SUPREME COURT OF THE UNITED STATES.

689

No. 54.

THE LEGATEES OF JOHN PARKS, DEC'D, APPELLANTS,

vs.

EDWARD L. SMITH AND HENRY N. ALLEN, EXECUTORS OF THE LAST WILL AND TESTAMENT OF JOHN PARKS, DECEASED.

APPEAL FROM THE CIRCUIT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF ALABAMA.

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S. D. Langtree, Print.

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LEGATEES OF JOHN PARKS
vs.
SMITH & ALLEN. } 1931.

Pleas had before the Honorable the Circuit Court of the United States for the ninth Judicial Circuit and Southern District of Alabama at a term thereof begun and held in and for said district at Mobile on the second Monday of March in the year of our Lord one thousand eight hundred and forty before their Honors John McKinley presiding Judge and William Crawford Judge of said Court.

Be it remembered that heretofore to wit on the twentieth day of January in the year of our Lord one thousand eight hundred and thirty-seven the Legatees of John Parks filed their bill of complaint against Edward L. Smith and Henry N. Allen in the words and figures following to wit

Bill.

UNITED STATES OF AMERICA *District Court of the United States for the Southern District of Alabama.*

To the Honorable William Crawford Judge of the Court of equity for the Southern District of Alabama

Humbly complaining sheweth unto your honor your orators Wilson Parks Samuel Parks Silas Alexander and his wife Sarah S Alexander Silas Alexander administrator of John P Alexander Thomas S. Alexander Nathan Orr and his wife Sarah A Orr James A Young Robert H Young George W Houston and his wife Jean Houston John Gilliam and his wife Ellen Gilliam, Elias Young *Young* son of Jean Young your orators infants under the age of twenty-one years to wit Hannah Caroline Parks Mary Adeline Parks Sarah Jane Parks Elizabeth Locke Parks John McAmy Johnston John Caroline Johnston Mary Ann Johnston Ellen Catharine Moore Margaret L Young Hanah C Young Samuel Alexander and Mark Alexander children of Hanah Alexander by their next friend James Martin each one and all of your orators being resident citizens of the State of North Carolina; that John Parks a resident citizen of Monroe County in the State of Alabama about the 8th of November in the year 1830 made and published his last will and testament in writing attested by three witnesses in due form of law to pass both his real and his personal

estate and that without having revoked or in any way altered the same he died about the month of August 1832 appointing in said will James Dellet Edward L Smith and Henry N Allen executors the former of whom renounced and refused that trust and that the two latter caused said last will and testament to be proven before the county court of Monroe in due form of law and took upon themselves the burden of executing the same. By the will aforesaid the testator bequeathed to your orators Wilson Parks and Samuel Parks his brother one thousand dollars each which has been paid to them and disposes of the residue of his estate as follows to wit: My will and desire is that all my property real and personal be sold and after paying all my just debts and the two legacies above named to Wilson Parks and Samuel Parks that all the balance be equally divided between the children of my deceased sister Jean Young the children of my sister Cynthia Moore the children of my deceased sister Hannah Alexander the children of my brother Wilson Parks and Ellen Moore daughter of Mary Young now Mary Houston The said children of sisters and brothers above named and said Ellen Moore to share and share alike and take their then respective parts or proportions in fee simple

Your orators show to your honor that your orators Hanah Caroline Parks Mary Adeline Parks Sarah Jane Parks Elizabeth Locke Parks are the children of Wilson Parks brother of the testator mentioned in the will, your orators John McAmy Johnston Jane Caroline Johnston Mary Ann Johnston Ellen Moore are the children of Cynthia Moore the sister of the testator described in the will her first husband being Samuel C Johnston deceased Your orators Sarah S. Alexander intermarried with Silas Alexander John P Alexander deceased on whose estate Silas Alexander is the administrator. Thomas S. Alexander are the children of Hannah Alexander the deceased sister of the testator mentioned in this will. Your orator Sarah A Orr intermarried with Nathan H Orr Margaret L Young James A Young Hanah C Young Robert H Young Jean Houston intermarried with George W Houston are the children of Jean Young the deceased sister of the testator described in said will and that Ellen Gilliam intermarried with John Gilliam is the individual described in said will as Ellen Moore daughter of Mary Young now Mary Houston. That besides your orators there are four other individuals equally with these entitled to the said residuum to wit Elias Young, Eliza intermarried with John G Morris who are children of said Jean Young deceased Samuel Alexander Mark Alexander children of the said Hannah Alexander deceased all of whom reside in parts unknown to your orators. They further shew to your honor that said testator left at his death a very large estate real and personal amounting to fifty thousand dollars or other large sum, all of which came into the possession of Edward L Smith and Henry N Allen in the month of September in the year 1832 when they proved said will and assumed the trust and burden of executors under it There is no inventory of the estate

nor account of sales to be found in the county court when they proved the will such a document however is in the possession of said Smith and Allen containing divers inaccuracies and omissions but shewing a very large amount of property. There were divers houses tracts of land of great value one of which tracts of six hundred and forty acres has been sold by said executors for ten thousand dollars or other large sum. John Parks the testator had been and was at his death successfully engaged in merchandizing in the town of Claiborne had much cash on hand a large assortment of store goods bonds notes and accounts to a large amount, slaves, horses jewelry and other valuable effects all of which went into the possession of the said executors. The estate was free from debt or was indebted to a very small amount Your orators show that all the property of the estate has been used and converted by said executors to their own private use and out of it they have made large profits by investing the money belonging to it in mercantile and other successful speculations. Your orators have made repeated applications to said executors to pay to them their proportionable parts of said residuum. Those under age have had regulur guardians appointed under the laws of North Carolina and have applied through said guardains under documents from the courts of record of the said State shewing their appointment as such guardians and exhibiting affidavits of undoubted witnesses establishing the titles of your orators under said will to the said residuum all of which requests to pay the said executors have refused to comply with and have hitherto and do now withhold the said legacy to the manifest injury and oppression of your orators In tender consideration whereof and for that your orators are remediless except in this honorable court May it please your honor to grant to your orators the writ or writs of subpœna to be directed to said Edward L Smith and Henry N Allen citizens of Alabama residing in Mobile commanding them under the penalties prescribed by law to appear at rules in the clerk's office of the said district court on the first Monday of Feb'y next at the city of Mobile and then and there full true and perfect answers make to the several matters and things before set forth as if herein again repeated, particularly that they set forth an inventory and account of sales of said estate, the cash on hand, the store goods bonds bills notes and accounts upon whom and when due. The real estate whether they have not sold a tract of land for a large sum and how much what has become of the money and effects whe. they have not employed the funds of the estate to their own private use and made large profits and what profits, whether they have not been applied to for settlement and payment by guardians and others and have not refused. Whether proof satisfactory has not been adduced of your orators title under said will whether the debts owed by said testator at his death were not very small in amount and have been long since paid by them. Whether they have not employed the money of the estate in the business of merchandizery

and what profits they have made upon it. Whether have not so used these funds since the year 1832 and for what length of time. And that they may be compelled by decree of this honorable court to pay to your orators the residue of said estate agreeably to the provisions of said will. And that the portions thereof coming to your orators under the age of twenty-one be paid either to their guardians appointed under the laws of North Carolina or invested and placed out at interest for their benefit untill their arrival at the age of twenty-one. And that your orators may have such further and other relief in the premises as the nature of his case shall require and to your honor shall seem meet may it please your honor to grant to your orators an order of advertisement to be made in some newspaper printed in the city of Mobile for the space of six weeks requiring the said John G Morris and his wife Eliza Morris to be and appear at the next or some other term of this honorable court and be made party defendants to this bill and that the abide by such decree as may be made in the premises and your orators shall ever pray.

MARTIN & ALEXANDER
Solicitors for Comp'ts.

Whereupon afterwards to wit on the twentieth day of January in the year of our Lord one thousand eight hundred and thirty-seven the following subpœna in chancery was issued from the office of the clerk of said court to wit:

Subpœna.

UNITED STATES OF AMERICA *District Court of the United States for the Southern District of Alabama.*

The President of the United States to the Marshal of said District greeting.

You are hereby commanded to summons Edward L Smith and Henry N Allen executors of the last will and testament of John Parkes deceased who are citizens of the State of Alabama to be and appear before the hon. the judge of the said court at rules to be held at the clerks office of the court aforesaid in the city of Mobile on the first Monday of February next to answer unto the bill of complaint of Silas Alexander and his wife Sarah S. Alexander Silas Alexander administrators of the estate of John P Alexander deceased Thomas S. Alexander Nathan Orr and his wife Sarah Orr James A Young Robert H Young George W Houston and his wife Jean Houston John Gellium and his wife Ellen Gelliam Hanah Caroline Parks under the age of twenty-one years by James Martin her next friend Mary Adeline Parkes under the age of twenty-one year by her next friend James Martin Sarah Jane Parkes under the age of twenty-one years by James Martin her next friend Elizabeth Locke Parkes under the age of twenty-one years by her next friend James Martin Jane McAmy Johnston under the age of twenty-one years by

James Martin her next friend Jane Caroline Johnston under the age of twenty-one years by her next friend James Martin Mary Ann Johnston under the age of twenty-one years by her next friend James Martin Ellen Catharine Moore under the age of twenty-one years by her next friend James Martin Margaret L. Young under the age of twenty-one years by James Martin her next friend Hanah C Young under the age of twenty-one years by her next friend James Martin Samuel Parks and Wilson Parks each one and all of whom are citizens of the State of North Carolina, filed on the 20th day of January 1837 Herein fail not and have you then and there this writ

Witness the Hon. William Crawford, Judge of the said court, and the seal of said court this second Monday of December in the year our Lord one thousand eight hundred and thirty-six.

Issued the twentieth day of January in the year of our Lord one thousand eight hundred and thirty-seven.

Attest DAVID FILES, *Clerk, Sou. District, Ala.*

Return.

Received 24th January, 1837, and served on E. L. Smith, January 27th, 1837, and Henry N. Allen, January 29th, 1837.

ROBT. L. CRAWFORD, *U. S. Marshal.*

Answer.

And afterwards, to wit on the thirteenth day of April in the year of our Lord one thousand eight hundred and thirty-seven the respondents filed the following answer, to wit:

Answer of Edward L. Smith and Henry N. Allen in chancery in the District Court for the Southern District of Alabama. These defendants now and at all times hereafter saving and reserving unto themselves all benefit and advantage of exception, which can or may be had or taken to the many errors uncertainties and other imperfections in the said complainants said bill of complaint contained for answer thereunto or unto so much and such parts thereof as these defendants are advised is or are material or necessary for them or either of them to make answer unto they these defendants answering say that they admit that John Parks a citizen of the town of Clarborne in the county of Monroe in the State of Alabama departed this life at or about the time alleged in the said complainants bill, that said Parks deceased made his last will and testament thereby appointery these defendants with James Dellet executors of his said will that said Dellet renounced and said defendants after the death of said Parks proved the said will and entered upon the execution thereof said defendants also admit that the provisions of the said last will and testament of the said John are correctly stated and set forth in said complainants said bill of complaint as also appears by a copy of said will a copy of which is hereunto annexed and marked as Exhibit A and prayed to be taken as a part of the answer of said defendants.

And said defendants further answering state that after proving the will of the said John deceased to wit in the orphans court of Monroe county and taking out letters testamentary upon the estate of the said John decd they took an inventory of all the personal property of said estate and returned said inventory to the county court of Monroe county according to law, that a sale of said property together with the real estate of said John decd was had and a return thereof made to the county court of Monroe county aforesaid according to law, that in all things touching the inventory its taking and return and also in all things respecting the management of said sale and in returning an account thereof said defendant sought to comply and did comply with the strictest requisitions of the law. That soon after the return of the inventory or appraisment of the personal property of said estate to the county court of Monroe county as aforesaid and after the return of the account of sales of said property to said court all the records of said county court were destroyed by fire and said defendants believe that said inventory and account of said sales were consumed by fire with the other record of said county and consequently the original inventory and account of sales of said property of said estate are not at present to be found upon or among the records of said orphans court of said county. That at the time or before said inventory and said account of sales were returned to said county court by said defendants, said defendants had the precaution to take and reserve exact copies both of said inventory and of the said account of said sales of said property and have carefully preserved them ever since.

And said defendants further answering deny that they have ever received from said estate the amount of fifty thousand dollars personal property as in said complainants bill is alleged but instead thereof said defendants allege that they received only in cash bonds notes accounts receipts and other evidences of debt the amount of thirty two thousand four hundred 93–100 dollars (32,404 93–100) as more fully appears by a correct and exact copy of said inventory hereunto annexed and marked as Exhibit B which is prayed to be taken as part of the answer of said defendants. And also of personal property other than such as above stated the further amount of one thousand nine hundred and seven 82–100 dollars (1,907 82–100) as more fully appears by the said inventory above referred to marked Exhibit B and prayed to be taken as a part of the answer of said defendants. And said defendants further answering state that after the inventory or appraisment of all the personal property of the estate of the said John Parks decd. was taken according to law these defendants applied to the orphans court of Monroe country for an order of sale of all of said personal property and also for an order to sell the real estate of which the said John Parks died seized at the same time that the said personal property should be sold according to the provisions and directions of the said last will and testament of the said John decd. and that

upon the application of said defendants as aforesaid to the orphans court of Monroe county as aforesaid said defendants obtained an order of sale of all the real and personal property of the estate of the said John Parks decd. as appears by the original order of said court hereunto annexed marked Exhibit C and prayed to be taken as part of the answer of said defendants. And said defendants further answering state that a sale was had in March A D one thousand eight hundred and thirty-three in pursuance of said order of sale and all the real and personal property of said estate except two pieces of land hereinafter described were sold after giving due notice according to law to the persons and at the prices set forth and shown in an Exhibit hereunto annexed marked D and prayed to be taken as part of the answers of said defendants. And the said defendants answering would further state that the two pieces of land above excepted to wit fractional section twenty-two (22) township seven (7) range five (5) containing eighty-three 30–100 (83 30–100) acres and fractional section twenty-six (26) township seven (7) range five (5) containing one hundred and nine 32–100 (109 32–100) acres were sold by said defendants on the twenty-sixth day of March A D one thousand eight hundred and thirty-five after giving due notice according to law to the persons and at the prices named and specified at the conclusion of Exhibit D above mentioned and prayed to be taken as part of said defendants answer. And the said defendants further answering utterly deny that they have ever sold any tract of land for the sum of ten thousand dollars as stated in said complainants said bill and they on the contrary positively assert and affirm that all the real estate of which the said John Parks decd. died seized whether houses lands or other real property was sold at the times to the persons and for the prices set forth and shewn in Exhibit D and prayed to be taken as part of the answer of said defendants. And that no other tract of land other than those set forth in said Exhibit D ever belonged to the estate of the said John Parks decd. within the knowledge of said defendants. And said defendants further deny that said John Parks at the time of his death was engaged in mercantile pursuits or that he was possessed of any merchandize other than that mentioned in said inventory and sold at the sale aforesaid of said property. And said defendants further answering beg leave to state that the said John Parks decd. and the said Edward L Smith one of the said defendants were some years previous to the death of the said John, partners in trade, that said Parks was a silent partner in said firm and that the business was all transacted and carried on in the name of the said Edward L Smith, that their partnership continued for about two years and was then dissolved by the said Smiths selling out his interest in said concern to the said Parks that the business still continued to be transacted in the name of the said Smith he being employed by said Parks as his agent after the dissolution of said partnership, that said Parks wishing to close his business entirely employed the said Smith after the dissolution of

said partnership to sell off and dispose of the stock of goods on hand at the dissolution of said partnership that said Smith was in the employ of said Parks in manner aforesaid for the space of five or six months or more and at the close of that time a public sale was had by said Parks and all his stock of goods wares and merchandize which he then had on hand were sold at auction and that said Parks never after that time was engaged in mercantile pursuits. And said defendants would further state that all the notes bonds receipts and evidences of debts which were due to the concern of the said Parks & Smith were made payable to the said Smith individually and at the dissolution of said partnership were all transferred to the said Parks. That soon after the public sale of the said Parks of all or nearly all his stock on hand said defendants formed a co-partnership in trade and commenced doing business in the same store in which the said Parks and the said Smith had done business and these defendants after they commenced trading in partnership were the agents and transacted the business of the said Parks and continued so to do until the death of the said Parks. That almost all the dealers of the said Parks were the customers of the said defendants having previously been the customers of the said Parks and the said Smith. And the said defendants further answering state that they have so managed said accounts and notes that with few exceptions they have been collected without suit, and they have no doubt and firmly believe that by their judicious management of said estate that they have saved for the estate a very large amount that said defendants were generally in the habit of dealing with the debtors of said estate and they have made nearly all their collections through their business thereby saving to the estate the commissions and expenses which must necessarily have accrued had said debts been collected by due course of law. And said defendants further answering deny that they have used the funds of said estate as their own as charged in said complainants said bill of complaint or that they have made large sums of money or any sums of money by investing said funds in merchandize lands or otherwise but on the contrary said defendants expressly assert and charge that they have been injured materially in their own interest by having upon their hands the management of said estate—that in divers instances and in almost all instances those owing the estate of the said John Parks decd. were indebted also to said defendants and said defendants uniformerly in such cases preferred the claims of the estate of the said Parks decd. to their own and in that way in divers instances were prevented from making collections themselves and compelled to lie out of the use of their own funds and in numerous instances have lost their own claims altogether by preferring and saving the claims of the estate of the said Parks decd. And said defendants further answering deny that they have ever refused to pay over money to distributees of the estate of the said John Parks decd. whenever they have been properly applied to for that purpose, that they have paid over money from time

to time and to various individuals their agents or attorneys distributees of the estate of the said John Parks decd. and that they have never failed to pay over money whenever they were legally advised it would be safe to do so.

That they have always been ready to account for the utmost fraction that has come to their hands from said estate and that the money received by said defendants from said estate has always been ready to be paid over whenever it should be rightfully and legally demanded. That several applications have been made to said defendants for moneys by agents or attorneys of those purporting to be guardians of some of the minor children claiming distributive shares of said estate without making any showing or offering any satisfactory proofs to said defendants that said guardians had been regularly appointed by the proper authority or that they had been appointed guardians at all That in no case have said defendants refused to pay over money of said estate to those claiming or applying for the same unless they were legally advised not to pay the same. And said defendants beg leave to state further to this honorable court that as they ever have been so are they now ready and willing to pay over all funds yet in their hands of said estate to whom this honorable court shall decree to be entitled to the same and to account for all the assetts that have come to the hands of said defendants as to this honorable court shall seem fit and proper.

And said defendants further answereng state that they are ignorant of the true relationship which some of said complainants bear to the said John Parks deceased, that they have taken all reasonable means to ascertain said relationship and have not yet been able to discover how many of those claiming distributive shares of the estate of the said John Parks deceased, under the provisions of his said last will and testament are really entitled to said distributive shares of said estate. And said defendants further state that they have been informed and believe that several of those claiming to come within the provisions of the said will of the said Parks deceased are not entitled to any portion of said estate. And said defendants have been warned and notified by some of the legatees whose rights were undoubted or their guardians duly appointed not to pay over the moneys of said estate to those whose claims were doubtful until their rights should be fully ascertained. And said defendants further state that they have been informed and believe that some of those claiming under the provisions of said will are not the children either of the brothers or sisters of the said John Parks deceased but grand children of said brothers and sisters and said defendants further state that they are informed and believe that the parents of some of the said complainants to wit the children of the brothers and sisters of the said John Parks deceased, and the immediate legatees mentioned in said will departed this life previous to the death of the said John and the said defendants are legally advised

that in all such cases to wit where the children of the brothers and sisters of the said John Parks deceased, the immediate legatees mentioned in said will departed this life previous to the death of the said John Parks deceased, their children or heirs are not entitled to distributive shares of said estate or any part thereof under the will and testament of the said John deceased. And the said defendants pray that said complainants and all of them may be held to strict proof of the relationship which they bear to the said John Parks deceased and that they may be compelled to show to this honorable court that they are justly entitled by law to distributive shares of the estate of the said John Parks deceased under the provisions of his said last will and testament. And said defendants further answering state that they have in the execution of the said last will and testament of said John paid the debts of the said John from time to time and also the necessary charges incidental to the faithful execution of said will and management of said estate making in all an aggregate amount of six thousand four hundred and seventy 11–100 dollars including both the debts of the said John deceased and moneys paid out by said defendants in the execution of said will and that they have received in the mean time in trust for said estate in all the sum of thirty-seven thousand eight hundred and ninety-two 40–100 dollars and the dates of said receipts and of said disbursements and the persons from whom received and to whom paid will all fully appear in the account current of said defendants with said estate hereunto annexed marked Exhibet E and prayed to be taken as part of the answer of said defendants. And said defendants further answering state that they have paid over the funds of said estate to those claiming distributive shares of said estate their agents or attorneys in all to the amount of twenty thousand three hundred and fifty seven 90–100 dollars at the times and to the persons mentioned and shown in Exhibit marked F hereunto annexed and prayed to be taken as part of the answer of said defendants. And said defendants would further state that they have an individual account against the estate of the said John P. Alexander whose estate is represented by said complainants to be entitled to a distributive share of the estate of the said John Parks deceased. That said John P. Alexander made said account himself with said defendants at the times and for the articles mentioned and specified in Exhibit marked G hereunto annexed and prayed to be taken as part of the answer of said defendants.

That the principal item in said account was money advanced to said Alexander a minor by and with the permission of the orphans court of Monroe county said court being advised by the physicians of said Alexander that it was necessary for the health of said Alexander that he should travel by sea and said money was advanced by said defendants to defray the expenses of said voyage. And said defendants humbly pray this honorable court that they may be allowed the sum of three hundred and fifty-seven 99–100 dollars the balance shewn in favor of said defendants in Exhibit G and

mentioned and set forth as an item in Exhibit F out of the distributive share of the estate of the said John Parks deceased to which the estate of the said John P. Alexander deceased is entitled which said sum is justly due and owing said defendants by said estate of said Alexander deceased. And said defendants further answering state that there yet remains in their hands uncollected notes receipts accounts &c. in all to the amount of eight thousand six hundred and ninety-two 93–100 dollars as fully appears by an Exhibit hereunto annexed marked H and prayed to be taken as part of the answer of said defendants. That said claims are many of them in a train of settlement and probably would soon be collected without expense but said defendants are willing and anxious to deliver up said claims when and to whom to this honorable court shall seem meet.

That many of said claims are so situated that they probably never can be made available that the amount of some four or five thousand dollars consists of judgment debts which said judgments were obtained by said Parks in the courts of Monroe county during his life and that before the money was made on said judgments the records of said county were destroyed by fire and consequently no proceedings can be further had in such cases and that many of the other claims above mentioned are entirely worthless as the debtors have either become insolvent or gone to parts unknown to these defendants. And said defendants further answering state that besides the actual cash which they have paid out of the funds of the estate of the said John Parks dec'd in the course of the execution of his said last will and testament the said defendants have spent divers sums of money of their own and much time and labor all of which were extremely valuable to said defendants, that some of the many extra services which they have rendered said estate and for which the said estate is justly indebted to said defendants are noted and specified in Exhibit marked I hereunto annexed and prayed to be taken as part of the answer of said defendants and said defendants pray that said account may be allowed as extra services rendered to said estate. And said defendants further answering state that the said John Parks dec'd at the time of his death was indebted to said defendants in the amount specified in another Exhibit marked K hereunto annexed and prayed to be taken as part of the answer of said defendants, that said Parks dec'd was also indebted to said Edward L Smith one of said defendants at the time of his death in the amount specified and set forth in Exhibit K above referred to and prayed to be taken as part of the answer of said defendants. And said defendants humbly pray this honorable court that the accounts and charges and credits set forth in said Exhibit K may be allowed by this honorable court as is justly set forth in said exhibit. And the said defendants having answered all the allegations and charges in said complainants said bill of complaint contained without this that there is any other matter cause or thing in said complainants' said bill contained material

or necessary for these defendants to make answer unto and not herein and hereby well and sufficiently answered confessed traversed and avoided or denied is true to the knowledge or belief of these defendants all which matters and things these defendants are ready and willing to aver maintain and prove as this honorable court shall direct and humbly pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained. And these defendants further pray that this answer may be taken and considered as a demurrer to the said complainants' said bill of complaint.

DELLET & GIBBONS,
Solicitors Pro Def'ts.

Affidavit.

THE STATE OF ALABAMA *Mobile County.*

Personally appeared before me Thomas White a justice of the peace in and for the county of Mobile Edward L Smith and Henry N Allen who being duly sworn depose and say that the matters and things in the foregoing answer contained and set forth and the exhibits thereunto appended from A to K are correct and true

EDWARD L. SMITH
HENRY N. ALLEN.

Subscribed and sworn to before me this 13th April 1837
THOMAS WHITE *J. P. M. C.*

Exhibit A.

Copy of the Will of J. Parks dec'd.

In the name of God amen! I John Parks of the town of Claiborne in the county of Monroe and State of Alabama being in good health and of sound and disposing mind and memory but recollecting the certainty of death and the uncertainty of life do make and publish this my last will and testament in manner and form following that is to say to the Author of my existence I desire to return my soul with the hope that the frailties of the flesh will be remembered with forgiveness and the intentions of the spirit adjudged in mercy. I desire that my body may be interred in a decent plain manner. Touching such worldly things as it has pleased Providence to confide to my care in this transitory state of existence my will and desire is first that all my just debts be paid. To my esteemed brother Wilson Parks I give and bequeath the sum of one thousand dollars to him and his heirs forever To my esteemed brother Samuel Parks I give and bequeath the sum of one thousand dollars to him and his heirs forever. Will will and desire is that all my property real and and personal be sold and after paying all my debts and the two legacies above named to Wilson Parks and Samuel Parks that all the balance be equally di-

vided between the children of my deceased sister Jean Young the children of my sister Cynthia Moore the children of my deceased sister Hannah Alexander the children of my brother Wilson Parks and Ellen Moore daughter of Mary Young now Mary Houston. The said children of my sisters and brother above named and the said Ellen Moore to share and share alike and take their respective parts or proportions in fee simple. My will and desire further is that my friends John Erwin David Parks and Eli Springs of North Carolina be and act as the guardians of the minor children of my above named sisters and brother and of Ellen Moore in receiving and paying over to them the amount to which they may be respectively entitled under the will I hereby nominate and appoint my friends Edward L Smith Henry N Allen and James Dellet executors of this my last will and testament hereby revoking all wills heretofore made by me.

In witness whereof I have hereunto set my hand and affixed my seal this eighth day of November in the year of our Lord one thousand eight hundred and thirty.

JOHN PARKS [L. S.]

Signed sealed and published and declared by the above named John Parks to be his last will aud testament in the presence of us who have hereto subscribed our names as witnesses in the presence of said John Parks at his request

H. H. B. HAYS,
MARTIN GREER,
EZRA HILL.

Exhibit B.

Copy. Inventory and appraisement of the personal property of J. Parks, dec'd. March, 1833.

1	sideboard - - - -	$55 00	
1	mahogany table - - -	8 00	
2	pine tables at 10s - - -	2 50	
4	maple bedsteads at $12 - -	48 00	
3	mattrasses at $12 - - -	36 00	
1	washstand - - - -	1 00	
1	large map United States - -	5 00	
14	Windsor chairs at 8s - - -	14 00	
			$169 50
1	bureau - - - -	25 00	
1	swing looking glass - - -	50	
9	rose blankets at 10s - - -	11 25	
3	duffil do. at 10s - - -	3 75	
7	cotton sheets at 10s - - -	8 75	
4	pillows at 4s - - - -	2 00	

Exhibit B—Continued.

3 Marseilles quilts at 10s - -	3 75	
4 trunks at 5s - - -	2 50	
1 pair shovel and tongs - -	3 00	
2 bolsters at 8s - - - -	2 00	
		62 50
1 bellows and hearth brush for -	1 25	
2 iron and brass bound buckets for -	1 00	
10 tumblers and 11 wine glasses for -	3 50	
1 set castors for - - -	3 00	
1-2 dozen tea spoons for - - -	4 00	
1-2 do. table do. for - - -	10 00	
2 decanters for - - - -	1 00	
3 B. P. Pitchers for - - -	75	
2 Sugar bowls and 1 teapot for - -	1 50	
1 Dozen plates for - - -	75	
1-2 do knives and forks and 1 pair carvers for - - - - - -	2 00	
3 Large 6 6 bowls for - - -	1 00	
3 Wash basons and 1 chamber for -	1 25	
		31 00
Amount forward - -		263 00
Amount brought forward -		263 00
1 Pair brass candlesticks for - -	1 00	
1 Oven and 1 grid-iron for - -	1 25	
1 Pair waffle irons and 3 pothooks for -	75	
2 Boilers and 1 skillett for - -	50	
1 Lot old ovens, 2 spiders and sad irons for - - - - - -	62	
1 Trivet, 1 ladle and 1 dipper for -	50	
2 Water pails for - - -	62	
1 Tin oven and 1 coffee pot for - -	25	
1 Tea kettle and 1 coffee mill for -	75	
1 Spice mill and 1 cullender for -	25	
		6 49
7 Small jars and 3 large jars for -	2 50	
4 Small and 2 large pots for - -	8 00	
1 Kettle for - - - -	1 50	
1 Turreen and 1 sauce boat for - -	1 25	
6 Dishes and milk pan for - -	1 25	
2 Tin pans and 1 small B. P. bowl for -	12	
1 Bread tray and 1 sifter for - -	13	
1 Gallon measure and 1 funnel for -	37	
2 Pair small scales and weights for -	3 00	
1 Rake, 4 hoes and 1 pitchfork for -	1 50	

697

Exhibit B—Continued.

1 Grindstone for - - -	2 50	
1 Spinning wheel for - - -	1 25	
1 Wheel barrow and grubbing hoe for -	1 00	
		24 37
1 Bathing tub for - - -	10 00	
1 Sett patent balances for - -	15 00	
1 Show box for - - - -	10 00	
1 Ps. 3-4 domestic 31 yds. a 1 - -	3 88	
1 Lot Latin and Greek books for -	25	
3 Do bacon for - - - -	4 00	
1 Do rye, say 3 bushels a 4 - -	1 50	
2 Saddles for - - - -	15 00	
1 Saddle horse for - - -	75 00	
2 Milk cows and 6 yearlings for - -	24 00	
1 Backgammon board for - -	1 50	
2 Newspaper racks a 2 - - -	50	
		160 63
Amount carried forward - -		454 49
Amount brought forward - -		454 49
3 Waiters for - - -	1 00	
1 Man, Moses, for - - -	500 00	
1 Boy, Andrew, for - - -	450 00	
1 Girl, Ruthy Ann, for - - -	400 00	
1 Lot cup plates, cups and saucers and salts for - - - -	75	
1 Pair fire dogs and 1 half-bushel for -	75	
1 Gold watch and chain for - -	80 00	
		1,432 50
1 Pair silver sleeve buttons, breast-pin and spectacles for - - -	4 00	
1 Digest for - - - -	56	
1 Desk for - - - -	2 25	
17 Straw bonnets for - - -	2 21	
2 Axes for - - - -	1 38	
1 Pine table for - - - -	1 31	
1 Lot gimp lace, &c. - - -	1 50	
1 Lot jugs and jars for - - -	5 50	
1 Box curls for - - - -	2 12	
		20 83
		$1,907 82

Copy—Exhibit B.

Inventory of the Notes, Accounts and Receipts due the estate of J. Parks, deceased, March, 1833.

Abner Aldridge's note	$33 25	David English,	129 27
Stephen S. Andress,	12 41	Mill Ezell,	12 45
Stephen R. Andress,	24 86	John W. G. Foster,	268 75
Robert Ailstock,	4 93	John Files,	15 88
William Brown,	8 69	Jesse Felder,	34 45
Do do	1 63	John Files,	43 63
William J. Bettis,	11 38	S. P. Gray,	8 12
Arthur P. Bagby,	634 44	Do do	17 00
Samuel J. Bagby,	23 11	Thomas Gaillard,	130 00
Tristam B. Bethca,	7 01	Cyrus Gill,	26 62
Nathaniel Boughton,	92 47	Do do	267 60
John I. Bradford,	17 44	Do do	50 00
Samuel J. Bagby,	48 25	S. P. Gray,	3 68
Matthew Bettes,	40 81	Do do	20 00
John B. Cook,	38 99	Do do	3 40
Do do	21 40	Do do	249 67
Do do	80 00	Wm. J. Grissett,	30 00
Jacob Cannerlene,	75 00	Do do	1,047 91
Wm. J. Cartey,	20 00	Wm. C. Herrin,	4 03
George Craps,	83 55	Benjamin Hunt,	42 26
John B. Cooke,	6 19	Do do	175 14
Estate of Ovid Cowles	270 00	Alexander Hollinger,	25 12
Do do do	70 00	Asa Hammond,	63 67
Do do do	33 71	William Hill,	87 00
Do do do	159 72	Hill & Sampson,	25 65
A. B. Cooper,	89 51	Reuben Hendrix,	9 31
Do do	49 28	Harvey Haynes,	27 69
Samuel G. Cloud,	125 88		
Adam Carson,	5 00	Amount forward,	$5,130 56
Lewis Cannerlene,	2 00		
Alexander Donald,	2 50	Am't bro't forward,	5,130 56
Do do	54 83	William Haynes,	32 07
		Joseph Humphrey,	19 66
Amount forward,	$2,148 30	Charles O. Foster,	254 38
		Drury A. Bynam,	31 12
Am't bro't forward,	2,148 30	William A. Bell,	28 32
Hugh Davison,	100 00	Do do	46 56
Henry G. Davis,	32 36	Do do	14 25
Do do	12 00	James Files,	10 50
Do do	19 60	Dubose & Mann,	30 00

Copy. Ehibit B—Continued.

James Andress,	38	55	Do do	95	00
James B. Colburn,	28	94	Joseph G. Portes,	21	63
George Coleback,	13	69	Do do	7	40
Jeremiah Canterline,	7	00	Do do	12	94
William Jackson,	18	42	Benj. F. Portis,	91	36
John B. Kennedy,	1	00	Do do	15	00
Rebecca Kennedy,	50	21	William Powell,	2	50
Do do	2	06	Francis H. Porter,	39	91
Samuel Lindsy,	31	41	John Philpot,	2	38
John F. Lovett,	675	91	Samuel Packer,	9	00
Edwin Long,	3	12	Do do	117	20
George M. Gill,	33	63	Do do	17	60
Duncan M. Coll,	5	38	Do do	152	05
Barbary M. Corvey,	14	67	Do do	257	78
John M. Connell,	33	81	David Nowland,	9	88
Thomas M. Connell,	57	31	Do do	11	46
Do do	74	58	John Reaves,	43	64
Wm. H. Moore & Co.	5	00	Richard H. Rivers,	15	00
Do do	40	75	Do do	6	76
Do do	62	00	Robinson & Coleman,	7	25
John M. Wootan,	2	00			
William Miles,		63	Amount forward,	$9,792	11
William Mason, jr.,	219	39			
William M. Connell,	10	09	Am't bro't forward,	9,792	11
Do do	108	54	Richard Rives,	3	69
Ann McWilliams,	11	13	Do do	50	43
			Do do	45	65
Amount forward,	$7,146	64	Do do	100	00
			D. A. Ronaldson,	34	72
Am't bro't forward,	7,146	64	Jesse O. Rawls,	382	50
Rodk. McIntosh,	42	22	John D. Roach,	62	15
Archibald McKorkill,	3	56	Do do	94	28
Elias Massey,	13	81	Do do	30	49
William Oliver,	12	88	Do do	25	76
Malachi Nellte, jr.,	33	68	Do do	23	88
Jesse T. Odom,	336	71	Jeremiah Roberts,	9	80
Wm. M. Nicholson,	74	34	Joel Rawls,	54	65
Benjamin Nelltes,	39	63	George Rawls,	468	23
Do do	113	15	Joel T. Rivers,	13	42
James Newbury,	80	58	J. J. Roach,	3	63
Wilson Parks,	300	00	T. S. Roach,	4	00
Samuel G. Portes,	7	57	Daniel Roberts,	10	00
Do do	12	87	Jno. B. Hover,	17	00
Do do	14	63	John Turberell,	48	35
Enoch Parsons,	610	40	Alexander Torry,	44	66
Do do	13	70	Samuel Thames,	8	00

Copy. Exhibit B—Continued.

Do do	17 78
William Tarleton,	42 44
Henry W. Taylor,	17 01
Do do	43 01
Do do	40 00
John J. Thames,	24 15
Do do	20 57
Do do	16 62
Jesse Thames,	25 31
Sanford Taylor,	17 88
Jesse Stroud,	63
Robert Stewart,	18 63
Lewis Slaughter,	118 18
Am't carried forw'd,	$11,743 27
Am't bro't forward,	11,743 27
Henry Sampson,	50 00
John Spinks,	13 50
Do do	11 62
James Simpson,	105 33
Do do	26 00
Do do	25 00
Wm. H. Simpson,	4 55
Do do	4 67
Richard Stephens,	5 54
Willam Simmons,	3 80
John Scroggins, jr.,	1 63
John D. Stewart,	29 38
Smith & Allen,	64 35
Camel Sharp,	6 23
Jesse A. Stephens,	1 50
Wiley Sawyers,	2 75
John Scroggins, jr.	22 44
Smith & Allen,	183 46
William Simmons,	28 81
Camel Sharp,	36 00
Do do	9 00
Theophilus H. Williams,	53 66
James Young,	200 00
William Wiggins,	2 85
Wm. W. Wiggins,	3 87
W. Whittington,	12 73
Do do	27 00
C. W. Dunham,	50 72
Mrs. Ann Houston,	104 40
John T. Houston,	37 22
Robert Stewart,	30 57
John W. Moore,	1,081 63
John Moore,	412 77
Do do	661 64
Richard Hopkins	80 00
William B. Travis,	160 43
Am't car'd forw'd,	$15,298 32
Am't bro't forward,	15,298 32
John Scoggins & W. Sawyer,	91 24
Samuel Bradford,	129 77
John Emmons,	82 55
Do do	53 20
John C. Godbold,	116 00
Samuel Andress,	49 00
James Boatright,	48 82
John C. Godbold,	41 25
Henry W. Taylor,	230 22
George Turetall,	55 32
Henry Davis,	198 42
Willis Arrington,	73 57
Edwd. T. Broughton,	76 43
Adam Carson,	112 00
Do do	75 22
Johnson Turbeville,	55 14
Duncan C. M. Casky,	55 28
John Stanton,	26 16
Samuel Johnson,	51 50
John W. Moore,	219 00
Do do	87 23
John Moore,	98 00
Samuel M. Coll,	112 59
Do do	95 94
Wm. G. Godbold,	75 00
Lewis English,	95 43
Do do	69 13
James Young,	159 18
Martha Abney,	51 93
William Stewart,	68 82
Do do	54 43
Benj. B. Patton,	248 37
William Lochlin,	465 55

Copy. Exhibit B—Continued.

Simon Connell,	102	12	John McLeod,	10	25
Do do	278	58			
Do do	221	58	Amount forward,	$20,167	63
Amount forward,	$19,422	29	An't bro't forward,	20,167	63
			George L. Medlock,	54	03
Am't bro't forw'd,	19,422	29	Jonathan Abney,	63	00
Catharine Gordon,	75	58	James A. Butler,	15	75
Spittsbey Coleman,	17	56	John Beard,	4	31
Wm. M. Huntington,	27	83	Nancy Clark,	5	25
Thos. C. Lovett,	18	44	Littleberry Chisolm,	2	00
Jno. Scoggings, jr.,	37	50	Roland Dunn,	5	88
Nath'l T. Murphey,	33	19	Bryan Deese,	30	26
Do do	6	26	West C. Donald,	32	13
Wm. M. Huntington,	11	82	David English,	3	41
John Hails,	5	54	Est. Thos. English,	1	50
Barney Caball,	27	24	Skiles Foster,	7	80
Do do	16	50	Charles O. Foster,	100	97
Wm. J. Cantey,	17	82	Robert C. Hayden,	18	00
Thomas Bayles,	25	48	Jacob Long,	2	00
Daniel C. Thompson,	25	39	John Lynch, jr.,	13	69
Robert Hancock,	21	46	William Martin,	62	68
Nathan Futral,	14	63	Malachi Nelltes, jr.	3	25
Daniel M. Collum,	14	87	Messrs. L. & D. Patton,	29	70
Christian Keyser,	2	13	Isaac Rumley,	12	00
Neil M. Cain,	33	59	Douglas Starke,	10	00
Squire Reid,	33	50	William Snell,	2	00
Do do	35	56	William B. Travis,	56	55
Daniel C. Thompson,	25	33	John Travis,	24	25
Richard H. Rives,	14	32	Alexander Tisdale,	29	63
Levi Deason,	18	87	Atlas Vinson,	15	70
Daniel Craps	12	86	Am't of cash and cash papers,	9,377	44
Do do	12	66	John D. Stark,	73	36
Wm. B. Patton's est.,	39	20	John L. Sanson,	200	00
Duncan M. Lauren,	7	90	S. P. Gray,	1,841	94
Jacob Mallard,	8	00			
John B. Longdon,	7	38	Do do 1,638 82	$32,266	11
Jabez N. Brown,	9	87	Pd on above 1,500 00	138	82
Do do	10	00		$32,404	93
Do do	14	81			
Benj. P. Hennington,	42	00			
David Parnell,	10	00			

Exhibit C.

Exhibit C.

MONROE COUNTY, *County Court,*
In Vacation, January 19th, 1833.

Ordered that leave be and the same is hereby granted to Edward S. Smith and Henry S. Allen executors of the last will and testament of John Parks deceased to sell all the real and personal estate of the said John Parks dec'd. It is further ordered that said executors give sixty days notice of the time and place of selling said real and personal estate in a newspaper printed at Mobile called the Register and Patriot and that the same be sold on a credit of twelve months the purchasers respectively to give bonds with good and sufficient security for the amount of purchase.

STATE OF ALABAMA, *Monroe County.*

I James H. Draughon clerk of the county court in and for said county do hereby certify that the above is a true copy of an order of said court as appears to me of record.

[L. S.] Given under my hand and seal of office this 19th day of January, A. D. 1833.

Attest: JAMES H. DRAUGHON, *Clerk.*

Exhibit D.

Copy. Exhibit D.

Sales of the real and personal property of J. Parks deceased, made in pursuance of an order of court March, 1833.

J. W. G. Foster, boy Andrew	550 00
D. W. Goodman, girl Ruthy Ann,	500 00
B. F. Porter, man Moses	551 00
J. W. G. Foster, 1 saddle horse	75 00
D. C. Sampson, 1 brown cow and calf	26 00
D. W. Goodman, 1 red do do	15 00
E. Ellis, 2 yearlings,	12 00
A. Carson, 1 do	3 00
E. Ellis, 3 do	10 13
Jno. W. Lindsey, 1 sideboard	60 75
D. W. Goodman, 1 mahogany table	19 38
D. W. Goodman, 2 pine do	3 25
G. L. Medlock, 1 maple bedstead	10 00
Jno. W. Lindsey, 1 do do	15 25
Do do 1 do do	12 25
J. H. Draughon, 1 do do	12 25
H. Hammond, 1 mattrass,	16 00
H. Sampson, 1 do	18 75
D. W. Goodman, 1 do	17 25

John W. Lindsey, 1 mahogany bureau,	33 00
Do do 2 washstands	3 75
G. L. Medlock, 14 windsor chairs	14 00
D. W. Goodman, 1 large map United States	3 50
S. Jones, 2 swing looking-glasses	2 00
S. Busey, 3 rose blankets	3 06
J. D. Boney, 3 do do	3 38
J. H. Draughon, 3 do	3 50
C. C. Knight, 3 duffit blankets	5 50
G. L. Medlock, 10 cotton sheets	4 25
J. H. Draughon, 2 pillows	1 88
H. Sampson, 3 do	3 00
S. Busey, 6 pillow cases	1 06
Amount carried forward	$2,009 14
Amount brought forward	2,009 14
J. D. Boney, 2 bolsters	3 50
S. Reed, 3 marseilles quilts	7 00
J. W. Thompson, 1 trunk	2 13
D. C. Sampson, 2 pair shovel and tongs	3 00
S. Steele, 1 bellows and hearth brush	56
D. W. Goodman, 2 iron and brass bound buckets	1 50
E. Parsons, 9 tumblers and 11 wine glasses	3 50
Wm. Tarlton, 1 set castors	3 75
F. H. Farrar, 1-2 doz. silver table spoons	25 25
W. H. Johnston, 1-2 doz. do tea do	7 00
J. R. Holland, 3 decanters	1 00
G. E. Foster, 3 blue p. pitchers	88
A. Cason, 2 sugar bowls and 1 tea pot	81
B. Hunt, 1 doz. plates	1 00
G. L. Medlock, 1-2 doz knives and forks and carvers	1 75
T. Gaillard, 4 c c bowles	2 00
J. W. Lindsay, 3 wash basins and 2 chambers	2 75
W. H. Johnston, 1 pair brass candlesticks	1 13
J. W. Lindsay, 1 oven and grid iron, 1 pair waffle Irons, 3 pot hooks	2 00
J. R. Holland, 2 boilers and 1 skillet	50
S. P. Gray, lot of old ovens spiders and gridirons	1 69
J. W. Lindsay, 1 towel and dipper	44
Do do piggins	1 37
T. Gaillard, 1 tin oven coffee pot &c.	1 00
D. W. Goodman, 1 tea kettle and coffee mill	1 25
W. Lockin, 1 spice mill and cullender	25
J. W. Lindsay, 9 small jars 3 large do and jug	3 00
J. Creighton, 4 small pots	2 00
D. W. Goodman, 2 large do	6 38
S. P. Gray. 1 kettle	50
D. W. Goodman, 1 bed screw	75
do do 1 turreen and sauce boat	2 25

W. Tarlton, 8 dishes 1 small b p bowl and milk pan -	2 12
S. Jones, 1 bread tray and sefter - - -	25
D. W. Goodman, 1 gallon measure and funnel -	13
Do do 2 pair scales and weights - -	4 00
Do do 1 show box - - - -	6 25
A. Bethea, 1 grindstone - - - -	4 81
M. Stratton, 1 rake 4 hoes and pitchfork - -	2 63
D. W. Goodman, 1 wheelbarrow grubbing hoe and wedge	2 81
D. C. Sampson, 1 pair patent balances - .	5 00
J. Creighton, 1 lot cups and saucers cup plates & salt -	63
Do do 1 pair fire dogs 3-4 bushel - -	2 25
Jas. M. Lindsay, 1 bathing tub - - -	15 25
R. Ailstock, 1 p 4-4 domestic 31 yds a 1 - -	3 88
M. Anderson, 1 box curls - - - -	2 12
J. B. Colburn, 1 gold watch seal and chain - -	100 00
S. J. Bagby, sleeve buttons breast pin and spectacles	4 75
J. Dowdle Jr., 1 saddle - - - -	6 88
S. Jones, 1 do - - - -	6 00
D. W. Goodman, 1 lot bacon 55 lbs a 6 1-2 - -	3 58
E. Parsons, 148 Latin and Greek books a 22 c -	32 56
J. McClure, 1 digest - - - - -	56
G. L. Medlock, 1 desk - - - -	2 25
W. Tarlton, 1 lot bonnets 17 a 13 c - - -	2 21
Mr. Stratton, 2 axes - - - - -	1 38
D. W. Goodman, 4 waiters - - - -	25
G. L. Medlock, 2 newspaper racks - - -	63
W. C. Coolidge, S E ¼ lot 128 and store &c. except the office - -	402 00
W. C. Coolidge, lot No 132 - - - -	27 00
Do do S W 1-2 lot No 114 66 by 133 P & B -	52 00
C. Tait, n w 1-2 lot No 114 - - - -	30 00
W. C. Coolidge, n w 1-2 lot No 177 - - -	25 00
Duncan McKinsey, e 1-2 s west 1-4 section 27 township range 10 and ten -	76 00
Thomas Galliard, west 1-2 n e 1-4 section 35 township No 7 range 5 - -	37 00
Leonard Moore, s w 1-4 section No 35 township No 7 range 5 - -	285 00
Amount carried forward - - Dolls	3,248 21
Amount brought forward - - Dolls	3,248 21
Ephraim Ellis, lot No 207 - - - -	99 00
Edward Smith, lot jugs and jars 110 a 5 - ·	5 50
J. H. Draughon do. gimp lace gloves &c. - -	1 50
J. W. Lindsay, 1 pine table - - - -	1 31
Dolls	3,355 52

1835.	
Dec. 26, Richard S. Moore, Frac. sec. 22 T, 7, range 5, containing 83 30-100 acres a $6 - -	499 80
Robert Herrin, Frac. sec. 26 T. 7, range 5 containing 109 32-100 acres at $6 62 1-2 -	724 24
	$4,579 56

Exhibit E.

Dr. Est. of John Parks dec'd, in account with E. L. Smith & H. N. Allen, Executors, Cr.

1832.	No.		
Dec. 18,	1	To cash paid P. Rodgers act. -	$ 1 75
Dec. 27,	2	do do note to University	20 00
Sept. 10,	3	do do Mills Gregory & Co. bill -	6 12½
Sept. 10,	4	do do Hubbell & Tweedys bill -	4 00
Sept. 10,	5	do do Wm. B. Nash do -	1 75
Sept. 10,	6	do do A. S. Allen do -	10 00
Sept. 3,	7	do do A. G. Smiths do -	4 00
Sept. 10,	8	do do Thomas & Smith's	37 40
1833.			
Jan. 10,	9	do Shff. Medlocks bill costs - -	32 47½
Jan. 7,	10	Amount pd. Nimrod Stewarts on settlement of his notes being am't of end'mts -	34 79
			$152 29
		Amount carried forward - -	$152 29
		To Amount debit brought forward	
Feb. 11,	11	To cash this sum pd. G. D. Fosters act. - - -	68 25
Feb. 14,	12	do paid Catharine Browns	2 25
Feb. 13,	13	do do Samuel Buseys do	13 44
Feb. 16,	14	do do bill, costs per. shffs receipt - -	35 50
Feb. 18,	15	do do S. J. Bagbys act.	12 25
Feb. 23,	16	do do Note and int. to Wm. Caldwell -	246 00
Mar. 4,	17	do do William Gibson as per receipt -	59 49

Exhibit E.—Continued.

1833.	No.		
Mar. 18,	18	do do John Powell do -	21 15
Mar. 18,	19	do do John Powells act. -	6 00
Mar. 11,	20	do do Eli Mendenhall -	35 27
Mar. 21,	21	do do Clerk Draughons bill of fees -	17 13
Apl. 3,	22	do do Daniel Craps bill -	33 32
Apl. 17,	23	do do John Emmons per. recpt. - -	162 84
Apl. 17,	24	do do Parsons & Coopers commisssion -	8 73
May 11,	25	do do Stubbins, Brower & Co, account 263 25 -	
		Interest on do to date 23 86 -	287 11
		Amount carried forward -	$1,161 02
		To amount debit brought forward	$1,161 02
1833.			
Apl. 24,	26	To amount paid Cyrus Gill on settlement as per recpt. -	353 34
Apl. 24,	27	do do do Schroebel & Hunts act. -	2 50
May 4,	28	do do Simon Connells act. - -	4 50
June 8,	29	do do Est. of H. M. Abneys receipt -	629 11
June 8,	30	do do do -	268 00
June 8,	31	do do on Ovid Cowles notes per recpt. -	416 88
June 8,	32	do do Est. Cowles for land per recpt -	834 90
May 14,	33	do do Bill costs in n c per receipts -	26 50
June 15,	34	do Payment on S. Packus note per recpt.	104 33
July 1,	35	do paid S. B. Heralds bill	2 63
July 23,	36	do do Camel Sharps act.	25 50
Sept 28,	37	do do George Craps as per recpt. on file	243 90
July 25,	38	do do H. Cooks bill -	2 00
Oct. 26,	39	do do James Dellett coms vs. S. Connel	38 75

Exhibit E—Continued.

Nov. 26,	39	To am't pd Js. Dellett coms. *vs* A. Carson - -	6 31
Nov. 26,	40	do do Parsons & Cooper and Andres and Haynes -	3 10
		Amount carried forward -	$4,123 27
1833.	No.	To amount debit brought forward	$4,123 27
Sep. 20,	41	To am'nt pd. State and court taxes 1833 -	5 17
Mar. 18,	42	do do S. C. Richardsons costs - -	2 50
		Amount carried forward -	$4,130 94
1834.	No.	To amount debit brought forward -	$4,130 94
Ap'l 29,	43	To am't paid Judge Porter's ac. per rec'pt - - - -	48 00
	44	To am't paid State of Alabama per rec'pt - - - -	408 84
June 23,	45	To am't paid Joel T Rivers act. -	9 63
	46	To amt. pd. Martins Greer's ac. -	3 00
		Amount carried forward - -	$4,600 41
1834.	No	To amount debit brought forward -	$4,600 41
Oct. 27,	47	To am't paid John Peebles act. -	20 00
Nov. 3,	48½	Do over received on Mrs. Gordon's execution -	2 63
	48	Do do University lands and bonds - -	374 37
July 4,	49	Do paid cost on execution *vs.* Ann Huston - -	18 18
Nov. 16,	50	Do do Smith & Allens act. -	718 99
		Amount carried forward - -	$5,734 58
1836.	No	To amount debit brought forward -	$5,734 58
Jan. 15,	51	To am't paid James Dellet ac. in full	638 46
Feb. 5,	52	Do Asa Hammond act. -	7 19
Mar. 2,	53	Do do bill to L. M. Goodman	1 88
15,	54	Do do do costs case Jas. Young *vs.* Est. P.	15 50
		Amount carried forward - -	$6,397 61

Exhibit E—Continued.

1837.	No.	To amount debit brought forward -	$6,397 61
Jan.	55	To am't paid A. P. Bagbeys act. -	50 00
	56	Do J. Bounce's act. 1832	22 50
Aug. 29,	By cash received pr. W. C. Vaughan note and account - - -		167 36
14,	By am't of J. B. Colborne's ac. -		21 98
Nov. 13,	By bal. of J. Fosters note and int. -		1 92
21,	By am't on Pinckney Alldridge's note -		12 00
23,	By do cash received at Bridgeport, Conn. - - - -		105 87½
26,	By do of John Foster note and int. -		22 20
13,	By do of bal. do do do do -		73 13
13,	By do of interest on same - -		3 67
17,	By do rec'd on Barbara M. Corveas note - - - -		83 83
21,	By do do of Thos. L. Roberts note and int. - - -		104 97
Dec 8,	By do of William Mackeys note and int. - - - -		2 10
	By do of John Mackeys note and int. -		19 40
10,	By bal. of Pinckney Alldridges note and int. - - -		3 19
18,	By am't of Stephen S. Andress note and int. - - -		40 50
22,	do	Jacob Cantalene note and int.	80 00
	do	S. S. Andress note and int. -	11 25
27,	do	David Nowlands note and int.	9 37
28,	do	cash on hand this day -	571 37½
1833.			
Jan. 3,	do	John Lees 3 notes and int. -	26 94
7,	do	Elbert Chisolm on his note and int. - - -	5 00
	do	Nimrod Stewarts 2 notes and int. - - -	39 90
	do	B. B. Patten on his note -	9 14
8,	do	Execution *vs.* Neil McArn and W. Herrin -	21 44
	do	do vs. W. C. Herrin and McArn - -	5 69
	do	do vs. James Davidson	14 06
	do	do vs. James Thompson	7 43
10,	do	John Barnes note and int. -	8 81
	do	John Spinks note and int. -	4 75
	do	H. Snells 2 notes and int. -	23 01
12,	do	Thomas Gaillard rent of land 1832 - - -	130 00

Jan. 15,	By am't of execution vs. Neil McArn of Bagby - -	25 15
	do do do -	12 00
	do do vs. John Hails in part do -	7 00
	Amount carried forward - - -	$1,674 14
1833.	By amount credit brought forward -	$1,674 14
Jan. 16,	By am't of Richard Talberts 2 notes and int. - - -	20 48
29,	do John Northcut note and int.	23 18
	By bal. of Edward Wearings note and int. - - -	5 50
31,	By am't of Peter Dotys note and int. -	31 00
Feb. 9,	do Isaac Avilas 2 notes and int. -	7 18
12,	do D. C. Sampson note and int. -	53 00
13,	do Daniel McNull note and int. -	14 00
15,	do Samuel Busey bal. of note and int. - - -	44 50
18,	do rec'd for hire of Moses -	8 75
	do Samuel I. Bagby on his note and int. - - -	12 25
23,	do of Mark McMillans note and int. - - -	7 25
	do rec'd interest in settlement with W. Caldwell - -	4 23
Mar. 4,	do of William Gibson sundry notes and int. - -	99 15
11,	do of John Powell's note and int. - - -	94 70
	do of Isaac Hayne's note and int. - - -	33 00
	do of Eli Mendenhall's note and int. - - -	73 45
15,	do of John Snell, jr., note and int. - - -	30 37
	do of check Bank United States, Mobile - - -	1,906 33
16,	do of Mrs. McWilliam's note and int. - - -	12 17
1,	do of Smith & Allen's note and int. - - -	5,891 83
16,	do of Sandford Taylor's note and int. - - -	19 69

Exhibit E.—Continued.

20,	By amount of George Rawls' note and int. - - -	100 00
	do of Robert G. Hayden's acc't	18 00
26,	do of John M. Wootan's note -	2 00
	do of Levi M. Deescus' note and interest from J. M. Wootan	19 62
	do of William Arrington's execution and int. - -	86 66
April 1,	do of Theophilus H. Williams note and int. - -	59 00
	do received of boy Moses, in full for work - -	5 00
3,	do received of Daniel Craps, on execution - -	60 32
5,	do received on account of executor's sale - -	10 50
8,	do on execution vs. Barney Cahall - - -	17 56
	do on do vs. do -	16 00
	do on note vs. D. M. Neil -	75
17,	do on execution, from John Emmons - - -	174 70
	Amount carried forward - - -	$10,636 26
1833.	By amount credits brought forward -	10,636 26
April 17,	do Lewis Slaughter's note and int. - - -	130 38
24,	By this sum received from Union Bank, New York - - - -	1,451 24
	By amount of Cyrus Gill, on settlement his note and int.	353 34
	do of Joel Rawls' note and int.	60 72
May 15,	do of John D. Stark's execution	91 00
	do of Benj. B. Patton's do	283 00
	do of H. W. Taylor's note & int.	19 66
16,	do of Daniel M. Colm, on execution - - -	16 56
April 1,	do of Smith & Allen's two notes and int. - - -	274 23
May 20,	do of John L. Sanson's execution and int. - -	251 31
June 4,	do of Jesse O. Rawl's note and int. - -	420 75
	do of F. Rhodes' note & int. -	6 38

Exhibit E—Continued.

5,	By amount of I. Humphrey's and C. Sharp's note - -	22 00
	do of S. M. Coll, on execution	100 00
8,	do of H. M. Abney's balance of note - - -	512 22
	do of H. M. Abney's account -	27 43
	do of Ovid Cowles's notes and int. - - -	1,106 53
May 14,	do of Wilson Park's note and int. - - -	368 95
June 15,	do of Samuel Packer's notes and int. - - -	760 89
July 15,	do of Jeremiah Roberts on note	12 50
	do of David English, on note -	100 00
22,	do of Richard Rivers, note and int. - - -	2 75
23,	do of Campbell Sharps's note and int. - - -	58 51
24,	do received of G. L. Medlock, on note, by an order from J. T. Donald - -	31 50
Aug. 20,	do of S. G. Cloud, for Robinson & Coleman's note and int.	7 75
23,	do of John Files, on acc't notes	49 25
Sept. 26,	do of Esq. Richardson, in full for Wm. A. Bell's note and int. - - -	33 85
28,	do of George Crap's note and int.	260 80
Oct. 6,	do of Col. John Moore, on execution - - -	959 74
July 25,	do of Wilson Park's note and int. - - -	430 66
Oct. 14,	do of Thomas Gaillard's note for rent land - -	127 84
25,	do of Rollins Tolbert's note and int. - - -	40 50
26,	do of Simon Collins' note and int. - - -	775 04
	Amount carried forward - -	$19,773 84
1833.	By amount credits brought forward -	19,773 84
Feb. 26,	do received of Jno. Murphes, on account of M. Greer, for money advanced for land	500 00
	do of interest accruing on same	30 00

Exhibit E—Continued.

Nov. 1,	By amount of execution vs. Saml. Lindsay - - -	35 67
	do received for saddle sold Jones	6 50
2,	do of Jesse T. Odoms, note and int. - - -	381 38
4,	do of execution vs. Adam Carson	126 21
	do do vs. Andress & Hayne	62 10
	do in part execution vs. Carson	43 79
6,	do of William Hill's note and int. - - -	106 78
8,	do of execution vs. Ann Houston, and int. - -	129 86
Dec. 3.	do of ex'tion vs. George Tunstall	62 94
Dec. 4.	do J. Creighton's note, due Mar. 1834 - - -	4 88
Dec. 4.	do execution vs. W. J. Dubose	37 88
Dec. 4.	do do vs. R. H. Rivers	15 00
Dec. 9.	do Hugh Davison's note, due 1st January, 1834 - -	100 00
Dec. 20.	do S. Busey's auction account, due 23d March - -	4 12
Dec. 20. 1834.	do Adam Carsons account -	3 81
Jan. 15.	do recorded on 2 executions vs. Lewis English - -	208 72
Jan. 15.	do S. G. Portis, on his notes, due 23d March - -	11 22
Jan. 15.	do Jacob Cannerline's note, due 23d March - -	80 00
Jan. 27.	do H. Stratton's note, due 23d March - - -	4 01
Feb. 3.	do D. English for his note and account - - -	75 16
Feb. 10.	do Judge Porter, on account of note - - -	6 00
Feb. 19	do Leonard Moore, on account of note - - -	200 00
Jan. 1.	do H. Sampson's acceptance -	50 00
Feb. 24.	do Matthew Bettis' note, and interest of note - -	65 50
Feb. 27.	do R. Ailstock's note, and interest of note - -	3 87
Feb. 27.	do J. N. Dowdle's note, and interest of note - -	6 88
Mar. 4.	do Allen Page, on account of Alex. Tisdal - -	2 00

1834.		
Mar. 12.	By amount rec'd on John D. Roach's note	120 00
Mar. 14.	do of James Dellet for Mrs. Abnup execution	62 25
Mar. 18.	do received of T. B. B. Bethea, balance of note	10 00
Mar. 18.	do of Alex'r Donald's notes and interest	71 98
	Amount carried forward	$22,362 35
1834.	By amount credit brought forward	$22,362 35
Mar. 18.	By amount received on G. L. Medlock's note, and interest	6 72
April 3.	do of Reuben Hendix note, and interest	10 81
April 6.	do received on execution vs. Wm. Locklen, and int.	100 00
Ap'l 14.	do do on Geo. Rawl's note, and interest	300 00
Ap'l 14.	do do on Ephraim Ellis' note and interest	50 00
Ap'l 15.	do of Charles Tait's note, and interest	30 00
Ap'l 25.	do of Wilson Whittington, note and interest	11 00
Ap'l 25.	do of Lewis Cannerline's note, and interest	2 00
Ap'l 25.	do of Duncan McKinzey's note, and interest	76 00
Ap'l 29.	do received on Benj'n F. Porter's note, and interest	59 37
May 6.	do of Alex'r Torrey's note, and interest	57 62
May 12.	do of John D. Travis' note, and interest	31 00
May 12.	do of James Andress' note, and interest	17 38
May 17.	do of William Miles note, and interest	75
May 17.	do of Smith & Dubose's note. and interest	5 50
May 17.	do of J. E. Boney's note, and interest	6 88
May 20.	do received of Mrs. C. Gordon on execution	100 00

Exhibit E—Continued.

1834.		
June 1.	By amount of Stephen F. Andress' note, and interest - -	13 89
June 1.	do of Elias Massey on execution	6 00
June 11.	do of Richard Stephens' note, and interest - - -	48 13
June 21.	do of A. Carson's note, and interest - - -	7 00
June 21.	do on W. J. Cantey's note, and interest - - -	9 00
June 21.	do received in W. C. Cooledge's note, in exchange of J. Scroggins' note for J. Oliver - - -	8 81
June 23.	do received of Joel T. Rivers for note and account -	6 86
June 23.	do of executions vs. Squire Reed, for note and account -	114 79
June 23.	do of Squire Reed's note, for note and account -	7 00
July 3.	do received of A. B. Cooper on his note and account -	72 65
July 3.	do of Nathan Broughton's note and interest account -	115 91
July 7.	do of Richard Rivers' note and interest accouut -	248 40
July 7.	do of James Files' note and interest account - -	12 56
July 10.	do on Ephraim Ellis' note and interest account -	50 00
July 10.	do of James M. Lindsey's note and interest account -	15 58
	Amount carried forward -	$23,963 96
1834.	By amount credit brought forward -	$23,963 96
July 10.	By amount of J. W. Lindsey, in part, note and interest account	68 87
Aug. 9.	do of S. Thomas, in exchange of note - - -	2 50
Aug. 12.	do of D. Nowlin's executions -	37 41
Aug. 29.	do on J. W. Lindsey's note -	20 00
Sept. 12.	By 1 bushel rye, per Mr. Sampson -	1 50
Sept. 23.	By amount of W. W. Wiggins' note, and interest account -	4 71

Exhibit E—Continued.

1834.		
Oct. 25.	By amt. of Wilson Whittington's 2 notes and interest account -	39 11
Oct. 25.	do Ephraim Ellis' note, and interest account - -	23 30
Oct. 28.	By James Newbury, note and interest account - - -	99 50
Oct. 31.	By amount of execution vs. E. T. Broughton - - -	99 81
Nov. 5.	do of execution vs. Wm. A. Bell	58 62
Nov. 12.	do received in exchange of sundry notes, per balance of M. Ann Godbold's note received of Bagby -	4 48
Nov. 20.	do of John Reavs' note, and interest account - -	52 36
Nov. 29.	do of T. C. Lovel's note, and interest account - -	31 06
Dec. 9.	do of execution vs. Henry Davis	276 75
Dec. 9.	do of Jeremiah Roberts' note and interest account -	16 87
Dec. 17.	do of Samuel G. Portes, on his note - - -	21 37
Dec. 19.	do of C. Keyser, and balance execution vs. E. Massey -	17 30
1835.		
Jan. 6.	do balance J. W. Lindsey's note, and interest - -	50 62
Jan. 6.	do of account vs. Est. Wiggins, for rent land - -	25 00
Jan. 6.	do of Thos. S. Roach's note	5 28
Jan. 13.	do of William Simmons' 2 notes, and interest - -	43 11
Jan. 14.	do of William Oliver's note, and interest - - -	16 98
Jan. 23.	do of S. R. Andress' note, and interest - - -	32 78
Jan. 23.	do of D. A. Ranalson's note	10 74
Feb. 6.	do received on Wm. Tarlton's notes - - -	23 56
Feb. 14.	do of Jesse A. Stephens' note, and interest - -	2 00
Feb. 14.	do of Robert Stewart's note and interest - - -	28 50
Feb. 14.	do of Jesse Stroud's note, and interest - - -	1 50

Exhibit E—Continued.

1835.		
Mar. 2.	By amount of Sam'l Johnson's note and int., in execution against paying commissions -	65 23
Mar. 20.	do received of B. F. Porter's note, for boy Moses - -	446 00
Mar. 21.	do of B. F. Porter's 2 notes, and interest - - -	78 34
	Amount carried forward -	$25,669 12
	By credit amount brought forward -	$25,669 12
Mar. 28.	By balance of Jacob Cantalines note and interest - - -	6 50
Ap'l 1.	By amount of Gen'l E. Parson's 4 notes, and interest - -	943 12
Ap'l 30.	do on Barbara M. Corvey's note	15 00
May 4.	do judgment and interest vs. W. G. Godbold 95 71	
May 4.	do less commissions to Mr. Dillett - - 4 79	90 92
May 25.	do of judgment and interest vs. Wm. Stewart - -	153 00
May 26.	do of Wm. J. Grisset's notes, and interest - - -	1,429 30
June 16.	do execution vs. John Staunson	47 31
Sept. 29.	do on R. Stephens' note, and interest - - -	6 87
Oct. 10.	do of Mic'l Ezell's note, and interest - - -	17 93
Oct. 31.	By cash received of Thomas Gaillard for rent of land - -	70 00
Nov. 10.	By balance of Barbara M. Corvey's note, and interest - -	13 11
Nov. 12.	By amount received of Sam'l M. Coll, balance of 2 notes due estate of Parks, which were in suit - - -	174 66
Nov. 16.	do of Daniel Craps on note -	5 00
Nov. 16.	do of E. L. Smith's 2 notes and interest - - -	963 45
Nov. 16.	do H. N. Allen, note and interest - - -	815 32
Nov. 16.	do of Smith & Allen's note, and interest - - -	516 09

Exhibit E—Continued.

1835.		
Nov. 16.	By amount received from Smith & Allen, from ledger A - -	2,333 20
Dec. 3.	do balance Sam'l G. Portes' note, and interest - -	10 50
Dec. 19.	do of Mary Ann Godbold's note, and interest - -	538 34
Dec. 22.	do of J. Peeble's, on account B. F. Porter's note - -	106 85
1836.		
Jan. 15.	do of Leroy A. Roberts' note -	5 18
Jan. 15.	do of James Dillett, on account Sam'l G. Cloud - -	85 00
Jan. 15.	do of James Dillett, for execution vs. Robert M. Hails -	222 04
Jan. 26.	do of Claiborne Cato's note -	24 14
Jan. 28.	do Wm. H. Johnston and J. D. Boney's note - -	9 38
Jan. 28.	do of Nathaniel Broughton's note	86 40
Feb. 1.	do balance Geo. Rawls' note, 3,823, interest 3,609 -	74 32
Feb. 4.	do balance of execution vs. Wm. Locklin - -	174 79
Feb. 5.	do of Asa Hammond's note, and interest - - -	102 54
Feb. 6.	do of William Jackson's note, and interest - - -	25 71
Feb. 12.	do of Richard Stephens' note, and interest - -	23 83
	Amount carried forward - -	$34,758 92
1836.	By amount credit brought forward -	$34,758 92
Feb. 16.	By amount of John Stanton's note, and interest - - -	12 44
Feb. 22.	do of Jesse Thames' note, and interest - - -	22 33
Feb. 29.	do of James Dellett, on Doct. Cloud's note - -	67 00
Mar. 2.	do of D.W. Goodman's note, and interest - - -	62 13
Mar. 9.	do of J. B. Cooke's and James Simpson's notes, and interest - - -	318 68
Mar. 19.	do on Saulter & McMillan's note	30 00
Mar. 30.	do B. F. Porter's note and interest	30 62

Exhibit E—Continued.

1835.		
Mar. 2.	By amount of Sam'l Johnson's note and int., in execution against paying commissions -	65 23
Mar. 20.	do received of B. F. Porter's note, for boy Moses - -	446 00
Mar. 21.	do of B. F. Porter's 2 notes, and interest - - -	78 34
	Amount carried forward -	$25,669 12
	By credit amount brought forward -	$25,669 12
Mar. 28.	By balance of Jacob Cantalines note and interest - - -	6 50
Ap'l 1.	By amount of Gen'l E. Parson's 4 notes, and interest - -	943 12
Ap'l 30.	do on Barbara M. Corvey's note	15 00
May 4.	do judgment and interest vs. W. G. Godbold 95 71	
May 4.	do less commissions to Mr. Dillett - - 4 79	90 92
May 25.	do of judgment and interest vs. Wm. Stewart - -	153 00
May 26.	do of Wm. J. Grisset's notes, and interest - - -	1,429 30
June 16.	do execution vs. John Staunson	47 31
Sept. 29.	do on R. Stephens' note, and interest - - -	6 87
Oct. 10.	do of Mic'l Ezell's note, and interest - - -	17 93
Oct. 31.	By cash received of Thomas Gaillard for rent of land - -	70 00
Nov. 10.	By balance of Barbara M. Corvey's note, and interest - -	13 11
Nov. 12.	By amount received of Sam'l M. Coll, balance of 2 notes due estate of Parks, which were in suit - - -	174 66
Nov. 16.	do of Daniel Craps on note -	5 00
Nov. 16.	do of E. L. Smith's 2 notes and interest - - -	963 45
Nov. 16.	do H. N. Allen, note and interest - - -	815 32
Nov. 16.	do of Smith & Allen's note, and interest - - -	516 09

Exhibit E—Continued.

1835.		
Nov. 16.	By amount received from Smith & Allen, from ledger A - -	2,333 20
Dec. 3.	do balance Sam'l G. Portes' note, and interest - -	10 50
Dec. 19.	do of Mary Ann Godbold's note, and interest - -	538 34
Dec. 22.	do of J. Peeble's, on account B. F. Porter's note - -	106 85
1836.		
Jan. 15.	do of Leroy A. Roberts' note -	5 18
Jan. 15.	do of James Dillett, on account Sam'l G. Cloud - -	85 00
Jan. 15.	do of James Dillett, for execution vs. Robert M. Hails -	222 04
Jan. 26.	do of Claiborne Cato's note -	24 14
Jan. 28.	do Wm. H. Johnston and J. D. Boney's note - -	9 38
Jan. 28.	do of Nathaniel Broughton's note	86 40
Feb. 1.	do balance Geo. Rawls' note, 3,823, interest 3,609 -	74 32
Feb. 4.	do balance of execution vs. Wm. Locklin - -	174 79
Feb. 5.	do of Asa Hammond's note, and interest - - -	102 54
Feb. 6.	do of William Jackson's note, and interest - - -	25 71
Feb. 12.	do of Richard Stephens' note, and interest - -	23 83
	Amount carried forward - -	$34,758 92
1836.	By amount credit brought forward -	$34,758 92
Feb. 16.	By amount of John Stanton's note, and interest - - -	12 44
Feb. 22.	do of Jesse Thames' note, and interest - - -	22 33
Feb. 29.	do of James Dellett, on Doct. Cloud's note - -	67 00
Mar. 2.	do of D. W. Goodman's note, and interest - - -	62 13
Mar. 9.	do of J. B. Cooke's and James Simpson's notes, and interest - - -	318 68
Mar. 19.	do on Saulter & McMillan's note	30 00
Mar. 30.	do B. F. Porter's note and interest	30 62

Exhibit E—Continued.

1836.			
Ap'l 29.	By amount	Abner Alldridge's note, and interest - - -	127 04
June 25.	do	received from James Dellett in full for executions vs. Cyrus Gill, from supreme court - - -	553 37
July 4,	For amount	Francis H. Farrar's note and interest - - - -	29 75
Aug. 5,	do	John B. Cook's note and int.	112 12
	do	A. B. Cooper's note and int.	117 19
9,	do	H. M. Taylor's two notes and int. - - - -	116 90
23,	do	of Executions *vs.* Richard Hopkins, received from James Dillett - - -	117 25
Oct. 21,	do	rec'd of McMillan & Saulter on note - - - -	50 00
Aug. 1,	do	of A. Carson's notes and int.	281 27
Dec. 28,	do	on R. S. Moore's note due this day - - -	4 80
1837.			
Jan. 14,	do	of R. Herrin's note - -	724 25
	do	of A. P. Bagby's note -	50 00
Feb. 27,	do	bal. J. B. Colburn's 2 notes and int. - - - -	64 60
Mar. 3,	For balance	Saulter's & McMillan's note and int. - - - -	99 17
4,	For amount	of A. P. Bagby, for I. J. Bagby's note and int. -	119 30
4,	do	of John Bonner medical bill 1832. [This entry is an error and should be erased. See debits.] - - -	22 50
			$

Exhibit F.

Estate of John Parks, to Smith & Allen, Dr.

1833.			
July 25,	For amount	paid Wilson Parks per receipt	$1,000 00
25,	do	paid Samuel Parks do do	1,000 00
Aug. 29,	do	do William S. Alexander do	833 00

1834.					
Aug. 29,	do	do	Elias Young do	do	833 00
29,	do	do	Jas. A. Young do	do	833 00
29,	do	do	Geo. W. Houston	do	833 00
29,	do	do	Nathan H. Orr	do	833 00
29,	do	do	Amazi Young, Guardian		835 00
28,	do	do	J. J. Morris per receipt		833 00
1835.					
Nov. 24,	do	bal. Est. J. P. Alexander acc't			
1832.		to Smith & Allen as per bill			357 99
1835.					
Aug. 28,	For amount paid D. Parks att'y per receipt				2,167 00
Nov. 29,	do	Jas. H. Wilson per rec't			10,000 00
					$20,357 99

$1,000.

Received of Edward L. Smith and Henry N. Allen executors of John Parks deceased one thousand dollars in full for my legacy in the estate of the said J. Parks dec'd as per will recorded in the office of the clerk of the county court of Monroe county Alabama. Charlotte July 25 1833.

WILSON PARKS.

Witness
DAVID PARKS.

$1,000

Received of Edward L. Smith and Henry N. Allen executors of John Parks deceased one thousand dollars in full for my legacy in the estate of the said J. Parks dec'd as per will recorded in the office of the clerk of the county court of Monroe county Alabama. Charlotte July 25 1833.

SAM'L PARKS.

Witness
DAVID PARKS.

Rec'd New York August 29 1834 of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-three dollars being a payment on ac. of dividend due me from said estate.

WM. S. ALEXANDER.

Rec'd New York August 29th 1834 of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-three dollars on ac. of a dividend due me from said estate.

$833. ELIAS YOUNG.

Rec'd New York August 29 1834 of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-three dollars on ac. of a dividend due me from said estate.

JAMES A. YOUNG.

Rec'd New York August 29 1834 of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-three dollars on ac. of dividend due me from said estate.

GEORGE W. HOUSTON.

Rec'd New York August 29 1834 of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-three dollars on ac. of dividend due me from said estate.

NATHAN H. ORR.

Rec'd New York August 29 1834 of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-five dollars on ac. of dividend due me from said estate.

DAVID PARKS,
Guardian for AMIGI YOUNG.

$833.

Rec'd of Edward L. Smith and Henry N. Allen executors of John Parks dec'd eight hundred and thirty-three dollars in part payment of the legacy of my wife Eliza in the estate of J. Parks dec'd. New York August 28 1835.

JOHN J. MORRIS,
DAVID PARKS *Attorney.*

Received of Edward L. Smith and H. N. Allen two thousand one hundred and sixty-seven dollars to be distributed amongst the heirs or legatees of John Parks dec'd. New York August 28 1835.

$2,167 00. DAVID PARKS.

Know all men by these presents that we Silas Alexander in right of his wife Sarah S. and as administrator of John P. Alexander dec'd and guardian of Samuel and Mark Alexander infant children of Ogwell Alexander Wilson Parks guardian of Jane C. John M. Mary A. Johnson infant children of Samuel C. Johnston dec'd and Hannah C. Sarah J. Mary A. and Elizabeth L. Parks infant children of said Wilson Parks James A. Young in his own right and as guardian of Caroline Young Robert H. Young Nathan H. Orr in right of his wife Sarah and as guardian of Margaret L. Young George W. Houston in right of his wife Jane William Lucky as guardian of Ellen K. Moore John Gillen in right of his wife Eleanor and Elias Young all of the State of North Carolina do hereby constitute and appoint John Irwin and Joseph H. Wilson or either of them our true and lawful attorneys or attorney to ask for and receive in our and each of our names and places from Edward L. Smith and Henry N. Allen of the State of Alabama and executors of the last will and testament of John Parks dec'd any sum or sums of money to the amount of fifteen thousand dollars that they as executors aforesaid may have on hand any time during the month of November 1836 and for us and in our names to execute a receipt or receipts for the same hereby ratifying and confirming whatsoever

our said attorneys or attorney may do in the premises by virtue whereof.

S'S ALEXANDER, [L. S.]
THOS. ALEXANDER, [L. S.]
WILSON PARKS, [L. S.]
JAMES A. YOUNG, [L. S.]
ROBERT H. YOUNG, [L. S.]
NATHAN H. ORR, [L. S.]
G. W. HOUSTON, [L. S.]
ELIAS YOUNG, [L. S.]
JOHN GILLEN. [L. S.]

$1,000.

Received Mobile Nov. 29 1836 of Edward L. Smith and Henry N. Allen executors of the last will and testament of John Parks dec'd the sum of ten thousand dollars on ac. of our claims and demands against said estate as legatees under said will and as heirs of said John Parks.

S'S ALEXANDER,
THOS. S. ALEXANDER,
WILSON PARKS,
JAMES A. YOUNG,
ROBERT H. YOUNG,
NATHAN H. ORR,
G. W. HOUSTON,
ELIAS YOUNG,
JOHN GILLEN.
By their attorney in fact JOSEPH H. WILSON.

Exhibit G.

1831.	Mr. John P. Alexander to Smith & Allen, Dr.		
April 4,	For 3 yds. casimere 12½ - -	$1 50	
13,	For 5½ yds. lining 9 cts. thread and buttons 1s. 6d. - - - -	69	
26,	For 7–8 yd. battese and thread -	50	
16,	For 1 Peter Wilkins 2s. - -	25	
			2 94
May 2,	For 1 silver pencil 9s. 6d.—12, pock. knife 7s. - - - -	2 06	
14,	For cash 4s. - - - -	50	
27,	For 1 raiser 5s. diff. in shoes 4 s. -	1 13	
			3 69
June 3,	For postage 2s. - - -	25	
7,	For 3 yards summer goods 2s. 6d.—7s. 6d. triming 2s. - - - -	1 19	
13,	For postage 2s.—18, postage 1 s. -	37	
27,	For 1 pr. shoes 10s. 6d. 1 cravat 6s. lining 13s. 6d. - - -	3 75	
			5 56
July 5,	For 1–2 quire letter paper 1s. 6d. 1 rasor strop - - - -	94	
	For 1 vest and trimmings 10s. -	1 25	
16,	For cash 2s.—23, cash 3s. 6d. -	69	

	25, For cash 2s.—28, cash 14s. - -	2 00	
			4 88
Aug.	3, For 1 pair gloves 5s.—6, cash 8s. -	1 63	
	10, For 1 pair shoes 9s. 6d. 1 po. knife 7s. postage 2s. - - - -	2 31	
	22, For cash 4s.—30, cash 4s. - -	1 00	
			4 94
Sept.	7, For 1 cravat 9s. 6d. 4 yds. homespun 14 c.—56 c. - - - -	1 75	
	12, For sundries 10s.—23, cash 8s. -	2 25	
	23, For bear's oil 2s.—24, cash 8s. -	1 25	
			5 25
Oct.	1, For postage 2s.—4, cash 2s.—8 cash 12s.	2 00	
	12, For 2¼ yds. jeans 8s. 20s. 1 pair boots 4¼	6 75	
	17, For trimmings for vest 6s.—24, 5 yds. flannel 4s. 20s. - - -	3 25	
			12 00
Nov.	11, For 5 yds. flannel 4s. 20s. 1 silk hdf. 8s.	3 00	
	16, For sundries 96 c.—17, trimmings for pants 4s. 6d. - - -	1 52	
	17, For sundries 1 55—19, sundries 3 51 -	5 06	
	24, For sundries 5 44—26, sundries 7s. -	6 32	
			15 90
Dec.	10, For 1 pair socks 8s. 1 small basket 3s.	1 38	
	14, For am't paid Dentist 40s. - -	5 00	
	24, For 4 bottles Cologne 3s. 12s. 1 pair brogans 7s. - - - -	2 38	
			8 76
			$63 92
	Credit.		
Oct.	11, By 1 pair bl'k gloves 6s. - -		75
	Am't forward - - -		$63 17
1832.			
Jan.	1, For bal. ac. 1831 bro't forward -		$63 17
	4, For 1 pair shoes 12s. 7, 1 pair gloves 4s. 6d.	2 06	
	11, For 1 steel chain 2s.—12, cash 8s. -	1 25	
	20, For 1 white hat 4s.—23, 1 pair slippers 4s. 6. - - - -	1 06	
	31, 1 po. knife 6s. 1 hhdf. 7s. cash 2s. -	1 88	
			6 25
Feb.	17, For am't Hill & Norris ac. 40s. -		5 00
	For am't I. H. Schrobale ac. - -		3 50
	28, For cash at sundry times this month -		4 69
Mar.	1, For 1 vest 1 94—2, 1 bot. Cologne 1s. 6d.	2 13	
	7, For 8 yds. brown Holland 2s. 6d. 20s. trimmings 4s. - - -	3 00	
	20, For this sum sent to Mobile - -	30 00	
	21, For 1 umbrella 9s. 3 cravats for 16s. -	3 12	
	For 1 bot. Cologne 1s. 6d. - -	19	
			38 44

Apl.	2, For postage 2s. 1 comb 1s. 6d. -		44	
	4, For trimmings 2s.—16, trimmings 2 90		3 15	
	19, For 1 fan 3s.—23, 1¼ yds. cloth $8. $10.		10 38	
	23, For 1 stock 4s. 6d. 1 white vest 24s. -		3 56	
	26, For 1 straw hat 2s. 6d. silk 1s. 6d. -		50	
	30, For 1 pair suspenders 4s. - -		50	
				18 53
May	5, For am't paid Murphy 8s. - -		1 00	
	9, For 1 white fur hat 40s. - -		5 00	
	11, For 2 pair socks 9s. 6d. 1 vest pattern 1 16		2 35	
	14, For trimmings for vest 3s. 6d. - -		44	
				8 79
June	4, For postage 4s. Cologne 1s. 6d. -		69	
	2, 4½ yds. bro. linen 20c. 90c. - -		90	
	5, For cash 8s. paid Duncan 2s. 6d. -		1 31	
	9, For cash 6s.—12, 1 pair pumps 12s. -		2 25	
	12, For cash 4s. 6d.—14, cash 2s. -		81	
	28, For postage 3s. merchd. 4s. - -		88	
				6 84
July	5, For 9 yds. linen 71c. 6 39c. thread 11c.		6 50	
	6, For cash 2s—10, merch. & postage 9s 6d		1 44	
	19, For cash 4s.—21, 1 Bible 9s. - -		1 63	
	26, For 1 whip 6s. homespun 2s. - -		1 00	
	For postage 1s. - - -		13	
				10 69
Aug.	6, For 2 yds. bl'k cloth $6, $12 trimming 17s. - - - -		14 13	
	For crape 1s. velvet 5s. 6d. 1 bridle 10s.		2 06	
	9, For trimmings 6s. cash 1s.—24, postage 4s. - - - -		1 38	
	25, For half months services to Donald $12½			
	Cologne 1s. 6d. - - -		12 69	
				30 26
	Am't forward - - -			$196 16
1832.				
	For am't bro't forward - -			$196 16
Sept.	4, For postage 2s. 8 grs. quinine 2s. -		50	
	12, For quinine 2s. 1 pr. socks 4s. socks 14s.		2 50	
	18, For rep'g gig 2s.—20, cash 3s. 6.—27, cash 4s. - - - -		1 19	
				4 19
Oct.	2, For 3½ yds. flannel 40c. 1 40c. tape 1s.		1 53	
	5, For 1 knife 4s. cash 6s. - -		1 25	
	8, For ¾ yd. flannel 40c. 30c. 3 oz. quinine 10s.		1 55	
	15, For cash 2s.—20, 1 box blacking 1s. -		37	
	30, For 1 vial paregoric 1s. postage 2s. -		38	
	31, For 1 vest 22s. 1 linen bosom 8s. -		3 75	

Oct. 6,	For 6 yds. muslin 7s. 42s. 1 cravat 3s.6d.	5 69	
	For 2 linen collars, at 1s. 6d. - -	38	
			14 89
29,	For am't A. W. Marshall's ac. -		4 25
Nov. 3,	For postage 1s.6d.-5, 1 safety chain 1s.6d.	38	
8,	For 1 box S. powders 4s. 1 trunk, stock, &c. 7 50 - - - -	8 00	
13,	For 1 quire letter paper 2s.—19, 2 yds. bombazine 2s. 6d. - - -	88	
19,	For 1 pair shoes 15s. medicine 4s. -	2 38	
23,	For 1 spool thread 1s. postage 1s. 6d. -	31	
24,	For our draft on R. Stubbins & Co. -	600 00	
	For diff. in guns with M. Greer 16s. -	2 00	
	For 1 pair pistols of E. L. Smith -	10 00	
26,	For 1 po. book 8s. - - -	1 00	
28,	For R. Moore's ac. 8s. - -	1 00	
			$625 95
Dec. 3,	For am't. paid washing - -	4 50	
	For am't. paid Sally, 4s. - -	50	
			5 00
			$850 44
1832.	Credit - -		
Mar. 15,	By am't charged W. H. Johnson -	5 00	
April 1,	By services one year to date - -	300 00	
June 22,	By one fire glass P. Warren - -	25	
Aug. 3,	By one round jacket charged Barnes -	3 50	
21,	By one frock coat charged B. F. Porter	35 00	
22,	By one dictionary charged Portes -	1 00	
Nov. 24,	By 6 1-2 months services at $25 -	162 50	
			507 25
			$342 19
1833.			
Jan. 4,	For am't Powell & Gilly, smithwork - -		1 00
Feb. 14,	For am't Sam. Busy's account, 1832 - -		16 25
	For am't James C. Woolworth's account, 1832 -		5 00
	Am't forward - - - -		$365 44
1833.	For am't brought forward - - -		$365 44
Mar. 4,	For am't D. M. Cullems account, 1832 - -		5 50
Feb. 16,	Paid repairs on gig, 40s - - - -		5 00
Apr. 18,	For one saddle $11, one bridle 16s -	$13 00	
	For one blanket 11s, one martengale 14s	3 13	
	For 1 pr. saddle-bags 36s, 1 pr. shoes 9s	5 63	
	For 1 pair stirrups 11s, 1 bear-skin 24s -	4 75	
	For 1 silk handf. 8s, diff. in blankets 6s	1 75	
			28 26
	For am't account with R. D. Wiggins 11s -		1 38
1833.	Credit - - - -		$405 58

Apr. 20, By one pr. braces 12s, one poc't book 8s		2 50	
By am't paid C. Sharp - - -		12 50	
27, By one trunk charged G. D. Foster -		5 00	
July 3, By one cap charged L. & Hunt -		3 50	
			23 50
1834.			$382 08
Nov. 29, For am't D. J. Binney, bill - -		9 50	
1835.			
May 28, For 1 shell comb char. wrong to D. W. Goodman - - - -		7 50	
			17 00
			$399 08

1834. Credit.

Mar. 27, By cash of J. G. Ingram - -	4 00	
Apr. 28, By nett sales at auction - -	31 28	
By am't H. M. Allens auction bill -	2 06	
By one shot gun - - - -	3 75	
		41 09
Balance due - - - - -		$357 99

Exhibit H.

Copy Exhibit H.

Inventry of notes, accounts and receipts on hand due estate of John Parks, deceased, March, 1837.

1	Wm. I. Bettis - - - -	note	$11	38
2	Samuel G. Cloudbut - - -	"		00
3	Jeremiah Canterlen - - -	"	7	00
4	Daniel Craps, bal. - - -	"	7	60
5	Samuel H. De Wolf - - -	"	3	25
6	John Oliver - - - -	"	46	00
7	Martin Greer - - - -	"	4	81
8	Simon P. Gray - - -	"	249	67
9	Do do - - -	"	20	00
10	S. P. Gray - - - -	"	8	12
11	Simon P. Gray - - -	"	17	00
12	Simon P. Gray - - -	"	3	40
13	Simon P. Gray, bal. - - -	"	3	68
14	Simon P. Gray - - -	"	2	19
15	William Haynes - - -	"	32	07
16	Benjamin Hunt, bal. - - -	"	175	14
17	Do do - - -	"	42	26
18	J. F. Lovet, bal. - - -	"	438	91
19	Rodk. McIntosh - - -	"	42	22
20	A. M. Corkill - - - -	"	3	56
21	Richard S. Moore - - -	"	495	20
22	William M. Connell - - -	"	185	80
23	M. Nettles, Sr. - - -	"	33	68
24	Francis H. Porter - - -	"	39	91
25	John D. Roach - - -	"	25	76
26	Richard H. Rives - - -	"	15	00
	Do do - - -	"	6	76
	John Spinks, bal. - - -	"	11	62
	Do do - - -	"	13	50
	William Tarlton, bal. - - -	"	26	54
	William Wiggins, bal. - - -	"	2	85
	James Young - - - -	"	200	00
	Amount forward - - -		2,174	88
	Amount brought forward - -		2,174	88
	John D. Roach, bal. - - -	"	49	39
	Do do - - -	"	20	72
	J. P. Portes . - - -	"	63	94
	J. H. Schroebel - - -	"	25	00
	William H. Simpson - - -	"	4	67

Exhibit H.—Continued.

William H. Simpson	note	$4	55
S. Thames	"	62	00
Charles O. Foster	"	254	38
Robert Ailstock	"	4	93
Wiley Sawyer	"	2	75
John B. Hover	"	17	00
William C. Herring	"	4	03
William Powell	"	2	50
Drury A. Bynum	"	31	12
George M. Gill	"	33	63
Wm. H. Moore & Co., bal.	"	5	00
Wm. H. Moore, bal.	"	40	78
Do do	"	62	00
Thomas M. Connell	"	74	58
Do do	"	57	31
Edwin Long	"	3	12
Benjamin Nettles, bal.	"	109	15
Do do	"	39	63
William M. Nicholson	"	73	34
George Coleback, bal.	"	13	69
Rebecca Kennedy	"	50	21
Do do	"	2	06
John B. Kennedy, bal.	"	1	00
B. P. Henniton	"	42	00
D. Pannell	"	10	00
John B. Longdon	"	7	38
Jacob Mallard	"	8	00
Amount forward		3,354	71
Amount brought forward		3,354	71
J. N. Brown	"	10	00
Do do	"	14	81
Do do	"	9	87
Duncan M. Lauren	"	7	90
John M. Leod	"	10	25
S. P. Gray	"	1,980	76
John W. Moore	"	1,081	63
John Moore	"	114	67
Do do	"	000	00
W. B. Patton, est.	"	39	20
D. M. Lauren	"	21	50
A. Cato & A. Erwin	"	18	09
Jesse A. Stephens	"	17	12
W. Sawyer & J. Scoggins	"	91	24
Samuel Bradford	"	129	77

Exhibit H.—Continued

J. C. Godbold - - - -	note	$116 00
Do do - - - -	"	41 25
H. W. Taylor - - - -	"	230 22
J. Turbeville - - - -	"	55 14
D. C. M. Caskey - - -	"	55 28
John W. Moore - - -	"	219 00
Do do - - -	"	87 23
John Moore - - - -	"	98 00
James Young - - - -	"	159 18
Spillsby Coleman - - -	"	17 56
W. M. Huntington - - -	"	27 83
J. Scoggins, Jr. - - -	"	37 50
N. Murphey - - - -	"	33 19
Do do - - - -	"	6 26
W. M. Huntington - - -	"	11 82
John Hails - - -	"	5 54
W. J. Canty - - - -	"	17 82
B. Cahall - - - -	"	27 74
D. C. Thompson - - -	"	25 39
D. M. Collum - - - -	"	14 87
R. Hancock - - - -	"	21 46
		8,209 80
Amount brought up - - -	"	8,209 80
N. Futrel - - - -	"	14 63
Neill McArn - - - -	"	33 59
D. C. Thompson - - -	"	25 33
J. D. Stewart - - - -	"	29 38
J. J. Bradford - - - -	"	17 44
D. M. Coll - - - -	"	5 38
Jesse Felder - - - -	"	34 45
John Files - - - -	"	13 54
William Mason, Jr. - - -	"	219 39
		$8,602 93

Exhibit I.

Exhibit I.

Estate John Parks, to E. L. Smith & H. N. Allen, Dr.

1833.

July, For services of H. N. Allen, three days at Charlotte, N. C., making payment to legatees - -	$15 00
Mar. 1833, Dec. 1835, For comps. as auctioneers for selling personal and real estate at auction, say 4,579 56–100, 5 p. c. - - - - -	228 97
Mar. 1837, For extra services at sundry times in the country on business of estate, collecting, &c., from Jan. 1832, to date - - - - -	500 00
For stationary from 1832, to 1837 - -	25 00
	$768 97

Exhibit K.

Exhibit K.

John Parks, to Smith & Allen, Dr.

1831.

For comps. as auctioneers for selling merchandize at auction $1,244 29 at 5 p. c. - - - - -	62 21
1832. For E. L. Smith's services from Nov., 1830, to July, 1832, nineteen months at $50 per month - -	950 00
	$1,012 21

Cr.

1832. By rent of store house from 23d March, 1831, to March, 1833, 24 months $10 per month - -	240 00
	$772 21

Accounts and notes paid

John Parks to Philip Rodgers Dr.

1828.

April 28th. To 1–2 Bushel Irish potatoes, 8 - -	1 00
1830. May 20th. To 1–2 Bushel do do 6 - -	75
	$1 75

THE STATE OF ALABAMA, *Monroe County.*

Personally appeared before me Asa Hammo and, justice fo the peace in and for said county, Philip Rodgers, who being duly sworn deposeth and saith the foregoing account is just and true.

PHILIP RODGERS.

Sworn to and subscribed before me the 18th July 1832.

ASA HAMMOND, *J. P.*

December 18th, 1832. Received payment of

E. L. SMITH & H. N. ALLEN,

Executors Philip Rodgers.

Know all men by these presents that I John Parks am held and firmly bound to the trustees of the University of Alabama and their successors in office in the penal sum of forty dollars and — cents for the payment of which sum of money to the said trustees and their successors in office I bind myself my heirs executors and administrators. In testimony whereof I have hereunto set my hand and affixed my seal this ninth day of January 1828. The condition of the above obligation is such that whereas the above bound John Parks purchased of said trustees at the date aforesaid the fractional section 22, E. Ala. River in Township No. 7, in Range No. 5, containing eighty-three 30–100 acres at the price of eight dollars and — cents per acre amounting in all to 499 dollars and 80 cents, whereof one fourth part hath been paid and bonds have been given for other two eights, and also for the principal of the remaining one half of the purshase money, which last mentioned sum or fourth instalment will become due eight years from the date hereof. Now if the above bound John Parks shall well and truly pay the said trustees their successors or assigns the further sum of nineteen dollars and ninety-nine cents, on the ninth day of January 1831 the same being then due as interest for the next preceding years on the said fourth instalment according to his contract with said trustees then and in that case the above obligation to be void otherwise to remain in full force and virtue in law.

JOHN PARKS. [L. S.]

Know all men by these presents, that I John Parks am held and firmly bound to the trustees of the University of Alabama and their successors in office in the penal sum of forty dollars for the payment of which sum of money to the said trustees and their successors in office I bind myself my heirs executors and administrators. In testimony whereof I have hereunto set my hand and affixed my seal this ninth day of January 1828. The condition of the above obligation is such that whereas the above bound John Parks purchased of said trustees at the date aforesaid the fractional section 22 E. in township seven in range five containing 83 30–100 acres at the price of eight dollars and — cents per acre amounting in all to 499 dollars and 80 cents whereof one fourth part hath been paid and bonds have

been given for other two eighths and also for the principal of the remaining one half of the purchase money which last mentioned sum or fourth instalment will become due eight years from the date hereof. Now if the above bound John Parks shall well and truly pay to the said trustees there successors or assigns the further sum of nineteen dollars and 99 cents on the ninth day of January 1833 the same being then due as interest for the next preceding year on the said fourth instalment according to his contract with said trustees then and in that case the above obligation to be void otherwise to remain in full force and virtue in law.

JOHN PARKS. [L. S.]

Recd. of Smith & Allen twenty dollars on the 17th January 1833 on account of the within bond.

C. PERKINS, *Agent.*

Estate of John Parks,

To Mills, Gregory & Co. Dr.

1832.

July 19. To Funeral charges - - - - - 4 00
To Inventorying property - - - - 2 00

$6 00

Hauling trunk - - - - - 00 12½

6 12½

Received payment.

MILLS GREGORY & Co.

The Estate of John Parks

To Thos. Hubbell & Smith Tweedy, Dr.

1832.

July. To time spent at his death and taking care of his effects - - - - - - - 4 00

1832, Bridgeport, September 10th, Recd. payment,

SMITH TWEEDY.

Mr. John Parks

To William B. Nash, Dr.

July 19, 1832. To visit, attendance, and medicine - 1 75

Bridgeport, August 9, 1832. Received payment,

WM. B. NASH.

BRIDGEPORT, *August* 10*th*, 1832.

The executor of the estate of Mr. John Parks,

To Aldis S. Allen, Dr.

For medical attendance, medicine, &c., during the late illness of the deceased Mr. Parks - - - $10 00

September 10, 1832. Payment received,

A. S. ALLEN.

Estate of John Parks, deceased,

To Alexander G. Smith, Dr.

To stage to and from Bridgeport, on his business, after he died	3 00
Expence of living	1 00
	$4 00

Stonington, September 3, 1832. Received payment of Edward L. Smith,

ALEXR. G. SMITH.

3 sheets	4 50
1 spread	1 00
2 pillow cases	50
1 comfortable	3 00
Damage to carpet	1 00
Damage to 2 blankets	2 00
Damage to bed bolster and pillows	3 00
Clothes buried	1 00
Damage to room	1 00
	$17 00

The above assessment of property damaged, and property lost to H. Cooke, has been made by the subscribers.

ALDIS S. ALLEN, M. D.
DAVID F. MILLS,
Constable of Bridgeport.

July 19, 1832.

John Parks, To H. Cooke, Dr.

To 5 days' board, at 8s	5 00
To paying washing	40
To sundries	5 00
	$10 40

Horace Cook, To Thomas & Smith, Dr.

To cherry coffin for John Parks	$10 00
	$37 40

Bridgeport, September 10, 1832. Received payment in full of the within account, for damage, board, &c., of Edward L. Smith.

HORACE COOK.

DUKE H. JAMERSON, shff. } Fi. fa. for costs.
vs.
JOHN PARKS. } Judgment in Wilcox circuit court.

Amount of cost bill, as per fi. fa. - - -		19 72½
Sheriff's fees - - - - - -		2 25
		$21 97½

JOHN PARKS } Fi. fa. 7 70.
vs. } Judgment vs. Plaintiff for costs,
CULLUM W. DUNHAM. } Wilcox circuit court.

Amount of cost bill, as per fi. fa. - -	8 25	
Sheriff's fees - - - - -	2 25	
		10 50
		$32 47½

Received of Henry N. Allen and Edward L. Smith, executors of John Parks, deceased, thirty-two dollars and forty-seven cents, in full, for the cases above stated.
January 4th, 1833. GEO. L. MEDLOCK, *Sheriff.*

Received, January 7, 1833, of Edward L. Smith and Henry N. Allen, executors of the estate of John Parks, thirty-four dollars and seventy-nine cents, being amount of endorsements on my notes to the said Parks.

NIMROD STEWARD.

Mr. John Parks, To G. D. Foster, Dr.

1832.		
Jan. 3.	To 3 glasses, 1s 6d; 4, 5 do 2s 6d; 5, 5 do, 2s 6d; 6, 7 do, 3s 6d; 7, 9 do, 4s; 8, 7 do, 3s 6d - -	2 25
9.	To 7 do, 3s 6d; 10, 9 do, 4s 6d; 11, 8 do, 4s; 12, 10 do, 5s; 13, 8 do, 4s; 14, 6 do, 3s - -	3 00
15.	To 6 do, 3s; 16, 11 do, 5s 6d; 17, 9 do, 4s 6d; 18, 9 do, 4s 6d; 19, 8 do, 4s; 20, 8 do, 4s - -	3 18¾
20.	To 1 doz. oysters, 4s; 21, 8 glasses, 4s, 1½ doz. oysters, 6s; 22, 3 glasses, 1s 6d; 23, 6 do, 3s -	2 31¼
24.	To 5 do, 2s 6d; 25, 8 do, 4s; 26, 5 do, 2s 6d; 27, 8 do, 4s; 27, 9 oysters, 3s; 28, 6 glasses, 3s -	2 37½

1832.			
Jan. 29.	To 4 do, 2s; 30, 7 do, 3s 6d; 31, 4 do, 2s - - - -	93¾	
Feb. 1.	To 6 glasses, 3s; 2, 7 do, 3s 6d; 3, 3 do, 1s 6d; 4–5, 8 do, 4s; 6, 5 do, 2s 6d, doz. oysters, 4s -	2 31¼	14 06¼
10.	To 2 glasses, 1s; 11–12, 17 do, 8s 6d, doz. oysters, 4s; 12, doz. oysters, 4s; 13, doz. oysters, 4s, 4 glasses, 2s - - - -	2 93¾	
14.	To 6 do, 3s, pint gin, 2s 6d; 15, 6 glasses, 3s; 16, 9 do, 4s; 17, 5 do, 2s 6d; 18, 10 do, 5s; 20, 4 do, 2s - - - - -	2 81¼	
21.	To 14 do, 7s; 22, 1 do, 6d; 25, 1 do 6d; 27, 9 do, 4s 6d, 1½ doz. oysters, 6s; 28, 1½ doz. oysters, 6s	3 06¼	
28.	To 7 glasses, 3s 6d; 29, 7 do, 3s 6d, ½ doz. oysters, 2s - -	1 12½	
			12 25
Mar. 1.	To 7 glasses, 3s 6d; 2, 9 do, 4s 6d; 3, 7 do, 3s 6d; 4, 6 do, 3s; 5, 7 do, 3s 6d; 6, 16 do, 8s; 7, 14 do, 7s; 8, 11 do, 5s 6d - -	4 81¼	
9.	To 10 do, 5s; 10, 9 do, 4s 6d; 11, 22 do, 11s; 12, 2 do, 1s; 14, 4 do, 2s; 15, 8 do, 4s; 16, 10 do, 5s - - -	4 06¼	
17.	To 11 do, 5s 6d, 18, 4 do, 2s; 19, 5 do, 2s 6d; 20, 4 do, 2s; 21, 4 do, 2s; 22, 10 do, 5s; 23, 8 do, 4s; 24, 9 do, 4s 6d - - -	3 43¾	
25.	To 3 do, 1s 6d; 26, 8 do, 4s; 27, 9 do, 4s 6d; 28, 13 do, 6s 6d; 29, 9 do, 4s 6d; 30, 7 do, 3s 6d; 31, 5 do, 2s 6d - - -	3 37½	
			15 68¾
Ap'l 1.	To 4 glasses, 2s; 2, 10 do, 5s; 3, 5 do, 2s 6d; 4, 8 do, 4s; 5, 1 do, 6d; 6, 2 do, 1s; 7, 4 do, 2s; 8, 4 do, 2s - - -	2 37½	
9.	To 9 do, 4s 6d; 10, 10 do, 5s; 11, 9 do, 4s 6d; 12, 9 do, 4s 6d; 13, 7 do, 3s 6d; 14, 6 do, 3s; 16, 9 do, 4s 6d - - - -	3 68¾	
17.	To 7 do, 3s 6d; 18, 9 do, 4s 6d; 19, 7 do, 3s 6d; 20, 9 do, 4s 6d; 21, 10 do, 5s; 22, 4 do, 2s; 23, 10 do, 5s - - - -	3 50	

716.

24.	To 14 do, 7s; 25, 15 do, 7s 6d; 26, 6 do, 3s; 27, 12 do, 6s; 28, 8 do, 4s; 29, 6 do, 3s - -	3 81¼	
			13 37½
May 1.	To 3 glasses, 1s 6d; 2, 4 do, 2s; 3, 8 do, 4s; 4, 10 do, 5s; 5, 8 do, 4s; 6, 2 do, 1s; 7, 4 do, 2s -	2 43¾	
8.	To 4 do, 2s; 9, 7 do, 3s 6d; 10, 4 do, 2s, seeds, 3s; 11, 6 glasses, 3s; 12, 9 do, 4s 6d; 14, 5 do, 2s 6d - - - - -	2 56¼	
15.	To 4 do, 2s; 16, 8 do, 4s; 17, 6 do, 3s; 18, 4 do, 2s; 19, 6 do, 3s; 20, 2 do, 1s; 28, 5 do, 2s 6d -	2 18¾	
29.	To 7 do, 3s 6d; 30, 10 do, 5s; 30, 9 do, 4s 6d - - -	1 62½	
			8 81¼
June 1.	To 5 glasses, 2s 6d; 2, 6 do, 3s; 3, 11 do, 5s 6d; 4, 11 do, 5s 6d; 5, 5 do, 2s 6d; 6, 10 do, 5s -	3 00	
7.	To 7 do, 3s 6d; 10, bottle claret per J. P. Alexander, 5s -	1 06¼	
			4 06¼
			$68 25

G. D. FOSTER.

THE STATE OF ALABAMA *Monroe County.*

This day came personally before me the undersigned justice of the peace acting in and for said county G. D. Foster who being duly sworn says that the above account is just and the sum of sixty-eight dollars 25 cents due thereon. Sworn to and subscribed before me the 14th day of January 1833.

SAML. I. BAGBY, *J. P.*

CLAIBORNE *February* 11 1833.

Received payment of Edward L Smith & Henry N Allen executors of the estate of Jno Parks decd.

G. D. FOSTER.

John Parks,

to C. Brown, Dr.

To making 2 shirts for Andrew - - - -	75
To 1 round coat for do - - - -	75
To 1 pair pantaloons for - - - -	75
	$2 25

14th Feb'y, 1833.

Received payment

her
CATHARINE x BROWN.
mark

THE STATE OF ALABAMA *Monroe County.*

This day came before me the undersigned justice of the peace acting in and for said county C. Brown who being duly sworn says the within account is just and true 25-100 dollars due thereon.

Sworn to and subscribed before me 14th Feb'y 1833.

her
C. x BROWN.
mark

SAML I. BAGBY, *J. P.*

Mr. John Parks,

1832. to Samuel Busey, Dr.

May —	To repairing brown coat - - -	$1 00
	repairing coat and pantaloons - -	1 00
	making white Marseilles vest - -	3 00
	1 Mersails vest - - -	5 50
June 10.	To repairing satinet pantaloons - -	50
	do grass coat - -	50
	suspenders sundry times - -	75
	cleaning and pressing blue coat -	1 00
		13 25
	Cash loaned for eggs - - -	18¾
		$13 43¾

S. BUSEY.

THE STATE OF ALABAMA *Monroe County.*

This day came personally before me Samuel I. Bagby a justice of the peace acting in and for said county Samuel Busey who being duly sworn says the above account is correct and the sum of thirteen dollars and forty-three and three fourth cents due thereon

Sworn to and subscribed before me the 11th Feb'y 1833

SAML I. BAGBY, *J. P.*

Received payment February 13th 1833 from Ed. L. Smith & H. N. Allen executors in full of the within acct.

S. BUSEY.

OFFICERS of Circuit Court of Clarke county
vs.
EDWARD L SMITH.

Fi. fa. 51 Judgt. for costs in Clarke county cir. co. in the case of Robinson & McRae use of Edward L. Smith *vs.* R. Danley & Z. P. Finley.

Bill of costs as per Fi Fa - - -	$9 31¼	
Shffs. fees - - - - -	2 25	
		$11 56¼

RICHARD HOPKINS } Fi Fa 50
vs. } Judgt. for costs
SAME. } In Clarke co. circuit court

Bill of costs as per Fi Fa -	$21 68¾	
Shffs. fees - - - - -	2 23	23 93¾
		$35 50

Rec'd payment in full Feb'y 16th 1833 by H. N. Allen and Edward L. Smith exrs. of John Parks decd.

GEO. L. MEDLOCK, *Shff.*

Estate of John Parks,

1832. to Saml. J. Bagby, Dr.

Cash paid on Donalds subpa - - - -	25
Do let to pay Malden - - - -	2 00
Giving Smith notice to surrender quarter section of land	10 00
	$12 25

THE STATE OF ALABAMA *Monroe County ss.*

Personally appeared before me Asa Hammond a justice of the peace in and for the county aforesaid Samuel I. Bagby who being duly sworn deposeth and said the foregoing account is just and true.

SAML I. BAGBY.

Sworn to and subscribed before me this 6th Nov 1832

ASA HAMMOND *J. P.*

Recd. payt. of the within account of Messrs. Smith & Allen executors of Parks. 18th February 1833.

SAML I. BAGBY.

Rec'd February 8th, 1830, of William Caldwell, two hundred dollars to be paid to him when called for.

EDWARD L. SMITH.

February 23, 1833. Received the above amount from the executors of J. Parks, dec'd, say two hundred and forty-six dollars.

WM. CALDWELL.

Jno Parks *vs.* William Gibson.

Amount of note dated March 1, 1830 - -	45 72
Interest to March 1, 1833 - - - -	9 77
1 note dated March 2d 1829 - - - -	30 33
Int. to March 1, 1833 - - - -	9 70
	95 52

Cr.

Rec'd June 2, 1831 - - -	20 00		
Int. to March 1, 1833 - - -	2 66		
Rec'd February 16th, 1822 - -	34 00		
Int. to March 1, 1833 - - -	2 83		59 49
Due -			$36 03
Cost -			3 63
			$39 66

March 4, 1833. Rec'd payment in full of the above credits, by indorsement from Smith & Allen, executors of Jno. Parks, dec'd.

his
WILLIAM x GIBSON.
mark.

The above due by Smith & Allen.

Jno. Powell, note, dated January 1, 1831 - -			80 72
Int. to March 8, 1833 - - - -			13 98
Rec'd June 2, 1831 - - -	18 56		94 70
Int. to March 8, 1833 - - -	2 59		21 15
March 8, 1833.			$73 55

Rec'd the above am't of $21 15 cts. by endorsement on my note, as above stated. JOHN POWELL.

The Estate of John Parks,

to John Powell Dr.

To repairing 1 sideboard - - - -	4 00
To 4 locks, at 50 cents - - - -	2 00
	$6 00

THE STATE OF ALABAMA, *Monroe County.*

Personally came before me, Samuel I. Bagby, a justice of the peace, acting in and for said county, John Powell, who, being duly sworn, says that the above account is just, and the sum of six dollars due thereon. JOHN POWELL.

Sworn to and subscribed before me, the 12th March, 1833.
SAML. I. BAGBY, *J. P.*

Rec'd payment in full of the within acct., of E. L. Smith and H. N. Allen, exrs. of J. Parks, dec'd. March 12, 1833.
JOHN POWELL.

Rec'd on Eli Mendenhall's note, March 11, 1831	-		3 25
Do. do. do. do. August 16, 1832	-		30 00
Int. on the same to March 1, 1833 -	-	-	2 02
Am't of Eli Mendenhall's note	-	-	35 27
Due January 1, 1831 -	-	40 06	
Int. to March 1, 1833 -	-	6 93	
Am't of E. Mendenhall's note, March 1, 1831		23 76	
Int. to March 1, 1833 -	-	2 70	73 45
			$38 18

Ed. L. Smith & Henry N. Allen, exrs. of Jno. Parks,
1833. to Clerk of County Court, Dr.

Jan.	Judge Porter order to receive will	-	-	50
	Clerk ent'g do. and recording will	-	-	1 50
	Certified copy of do. -	-	-	1 50
	Judge Porter order granting letters	-	1 75	
	Do. of appt	-	1 00	
	Do. of sale	-	1 00	3 75
	Clerk ent'g order, bond, iss'g letters, &c.		2 00	
	Do. appt copy, certificate and seal		1 00	
	Do. of sales do. do. do.		1 00	
	Making 4 duplicate letters	-	4 00	
	Recording two deeds	-	1 87½	9 87½
				$17 12½

March 7th, 1833. Rec'd payment.

JAMES H. DRAUGHON, *Clerk.*

JOHN PARKS vs. DANIEL CRAPS.	Judgment 6th Feb. 1830	-	-	44 50
	Int. from 6 Feb. to April 2, 1833	-	-	11 27
	Rec'd, Nov. 27, 1830	-	28 08	55 77
	Int. to April 2, 1835 -	-	5 24	33 32
SAME vs. SAME.	Judgment 6th Feb. 1830	-	13 69	$22 45
	Int. to April 2d, 1833 -	-	3 46	
			$17 15	

Received the above, as stated.
April 2, 1833. DANIEL CRAPS.

JOHN PARKS vs. JNO. EMMONS.	Amount of judgment	-	$170 35
	Interest to this date -	-	4 35
			174 70

Rec'd, March 2, 1832 - - 162 84

Rec'd this am't $11 86

April 17th, 1833. Settled the above, as stated.
JOHN EMMONS.

Rec'd of Smith & Allen, executors on the est. of Parks, eight dollars and seventy-three cents, in full for my commissions in the case of Parks *vs.* Jno. Emmons. April 17th, 1833.
PARSONS & COOPER,
Atty for Plff.

Mr. John Parks,

1832. to Stebbens, Brouwer & Co. Dr.

March 23. To cash paid Wm. Chase for a lot of land in Claiborne, Alabama, purchased by his order $250 00
To our commissions for purchasing and delivering, a 5 c - - - - 12 50
To postage on letters relating to lot - 75

263 25

By am't transferred to the account of R. Stebbins & Co., Mobile, to be collected by them - $263 25

E. E. STEBBENS, BROUWER & CO.

STATE OF NEW YORK, *City and County of New York, ss.*

Jacob Brower, one of the firm above named, being duly sworn, says that the above account is just and true, and the balance above stated is not paid.
JACOB BROUWER.

Sworn to, April 2d, 1833, before me,
FRAUS, *Not. Pub.*

Received of Edward L. Smith and Henry N. Allen, executors of John Parks, dec'd, two hundred and sixty-three dollars 25 cents, being amount of the above account, and twenty-three dollars 86 cents, for interest to this date.
$263 25, am't of acc't; 23 86—287 11.
R. STEBBENS & CO.
Per I. FRANKLIN.

Mobile, May 11th, 1833.

To amount C. Gill's note, given up - - - 284 96
To interest on same - - - - - 68 78

353 34

Cr.

By amount sales of cotton - - -	$286 58	
By interest on same - - - -	44 56	
By new note - - - - -	22 20	
		$353 34

Settled as above 24th April 1833

CYRUS GILL.

Mr John Parks,

1832 To Schroebel & Hunt Dr.

Feb'y 17 To 1 pair black shoes for Moses - -	$1 75	
Half-soleing a pair shoes - - -	75	
		$2 50

The State of Alabama, *Monroe County ss.*

Personally appeared before me Asa Hammond a justice of the peace in and for said county Jacob H. Schroebel who being duly sworn deposeth and saith the foregoing account is just and true

J. H. SCHROEBEL.

Sworn to and subscribed before me the 22d day of April 1833

ASA HAMMOND *J. P.*

April 22d, 1833. Rec'd payment of Smith & Allen executors

SCHROEBEL & HUNT.

Mr John Parks,

1831 To S. Connell Dr.

Feb'y 14 Shoe horse round steel pint - - -	$2 00	
Ap'l 2d Shoe horse round steel point - - -	2 00	
Ap'l 29 Take off and put on shoes new nails - -	50	
		$4 59

The State of Alabama, *Monroe County.*

This day came personally before me Samuel J. Bagby a justice of the peace in and for said county Simon Connell who being duly sworn deposeth and saith that the above account is just and the sum of four dollars and fifty cents due thereon

S. CONNELL.

Sworn and subscribed before me the 4th May, 1833.

SAM'L J. BAGBY *J. P.*

Rec'd payment in full of the within ac't from E. L. Smith & H. N. Allen ex's of Jno. Parks May 4, 1833.

S. CONNELL.

Rec'd of E. L. Smith and H. N. Allen ex'rs of the estate of J. Parks dec'd the sum of $116 89. Also Abruy's note to Parks which was to be delivered to him on Parks repurchase of fraction 22 E containing 80 30-100 acres 27 range 5 balance on said note being $512 22, $629 11, 9th June 1823.

JAMES DELLETT.
Ex'r of H. M. Abney dec'd.

Claiborne. Rec'd of Edward L. Smith and H. N. Allen ex'rs of the estate of John Parks dec'd the sum of two hundred sixty-eight dollars being so much money due the estate of H. N. Abney by the estate of John Parks in consequence of said Parks taking the tract of land purchased by Abney of Cowles and agreeing to refund to Abney all he had paid on said purchase and also pay to Cowles the balance due thereon and deliver to Abney his three notes to Cowles payable 1831 1832 1833 for $250 each which said notes are rec'd June 9th 1833

JAMES DELLET.
Ex'r of M. M. Abney dec'd.

June 9 1833.

Est of Ovid Cowles dec'd,

To est of John Parks dec'd Dr.

Am't of note due Jan'y 1st 1831 - - -		$600 00
Interest on do to 1st June 1833 - - -		116 00
Am't of note due Nov 1st 1830 - - -		70 00
Interest to 1st June 1833 - - - -		14 21
Am't note due Mar 1st 1830 - - - -		54 71
Interest to 1st June 1833 - - - -		14 21
Am't of note due March 31 1831 - - -		159 72
Interest to 1st June 1833 - - - -		27 68
		$1,056 53
Paid Jan'y 5 1831 - - -	$65 00	
Interest to June 1st 1833 - -	12 55	
Paid Feb'y 4 1831 - - -	125 00	
Interest to June 1st 1833 - -	23 33	
Paid Feb'y 11 1831 - - -	140 00	
Interest to June 1st 1833 - -	25 66	
Paid November 3d 1830 - -	21 00	
Interest to June 1st 1832 - -	4 34	
		$416 88

Rec'd of E. L. Smith and H. N. Allen ex'rs of J. Parks dec'd four hundred and sixteen 88-100 dollars on settlement of the above notes June 1st. 1833.

EDWARD L. SMITH
Adm's of Ovid Cowles dec'd.

Rec'd Claiborne June 9, 1833, of Edward L. Smith and Henry N. Allen executors of John Parks deceased eight hundred and thirty-four dollars and ninety cents being amount paid by said ex'r for the following described land bot by H. M. Abney in his life time of Ovid Cowles afterwards sold by the executors of Abney to said Parks in his life time he paying to the said Abney's es't the am't paid by him to Cowles—also the above am't including in't due by the est. of Abner to Cowles as a bal on said land say that part of fractional section number twenty-six (No 26) in township number seven (No 7) and range number five, No 5) which lies on the northwest bank of the Alabama river near the town of Claiborne containing one hundred nine acres and thirty-two hundredths (109 32-100) more or less and known as the Weatherford fraction

EDWARD L. SMITH.
Adm's of the est. of Ovid Cowles dec'd.

Received of Smith and Allen executors of John Parks deceased by the hands of Wilson Parks fifteen dollars the amount in full of my account against deceased for legal services April 13th 1833

W. MORRISON.

Received April 13th, 1833, of Smith and Allen executors of John Parks deceased by the hands of Wilson Parks eleven dollars and fifty cents the amount of the costs of a suit in the county court of Mecklenberg in favor of said John Parks deceased against Isaac Campbell adm'r of Oswald Alexander dec'd

ISAAC ALEXANDER *C. M. C.*
By B. OATES *D. C.*

Sam'l Packer's note due 30 May 1831 - - -		$352 78
Interest on do - - - - -		57 62
Do do Note due 23 May 1831 - - - -		17 60
Interest on do - - - - -		2 89
Do do Note due 1st Jan'y 1831 - - - -		152 05
Interest on do - - - - -		29 89
Do do Note due Mar 1 1830 - - - -		117 20
Interest on do - - - - -		30 86
		$760 89
Paid March 22d 1832 - - -	$95 00	
Interest on do - - - -	9 33	
		104 33
		$656 56

Rec'd of Smith and Allen ex'rs of Jno. Parks dec'd one hundred four 33-100 dollars in full for payment and interest on my note of 30 May, 1831, June 15, 1833.

SAMUEL PACKER.

Mr. J. Parks, (Claiborne,)

To S. Boat Planter.

For fr't 1 bbl - - - - - - -	75
1 keg lard - - - - - - -	38
	$1 13

March 30th 1832. Rec'd payment in full 1st July 1833 of Smith and Allen exr's.

Q. CRESUP.

THE STATE OF ALABAMA, *Monroe County*, *ss.*

Personally appeared before me Asa Hammond a justice of the peace in and for said county Quincy Cresap who being duly sworn says the amount charged on the within account stands charged to John Parks on the books of the steamboat Planter and that there are no credits on said books for the payment of any part of the same and he believes the account to be just and true.

QUINCY CRESAP.

Sworn to and subscribed before me the 1st July 1833.

ASA HAMMOND, *J. P.*

Mr. John Parks

1832 To S. Herald Dr.

March 19 For J. P. 2 bb'ls sundries - - - $1 50
Rec'd payment,

B. CRESAP.

THE STATE OF ALABAMA, *Monroe County*, *ss.*

Before me Asa Hammond a justice of the peace in and for the said county came Quincy Cresap who being duly sworn deposeth and saith that the foregoing account stands charged to John Parks in the books of the steamboat Herald and that there are no credits on the books for the payment of any part of the same and that he is personally acquainted with the clerk of the steamboat Herald and that he is a correct book-keeper and that he believes the above account to be just and true and justly due the Herald.

QUINCY CRESAP.

Sworn to and subscribed before me the 1st July 1833.

ASA HAMMOND, *J. P.*

John Parks

1830		To Campbell Sharp Dr.
June	To cutting rye, 8 - - - -	$1 00
	To hauling do 8 - - - -	1 00
	To ploughing, 8 - - - -	1 00
1831		
Sept.	To 1 cord lightwood - - - -	2 00
	To hauling load sand - - - -	1 00
" 9,	To 1 cord wood - - - -	2 00
"	To Ploughing lot - - - -	1 00
" 29,	To do do - - - -	1 00
" "	To 1 load wood - - - -	2 00
Oct.	To ploughing - - - - -	1 00
" 21,	To hauling 2 loads hay a 6 - - -	1 50
Nov. 5,	To hauling 1 load straw - - -	75
" "	To do 42 bales cotton a 1 - - -	5 25
1832		
Feb. 9,	To ploughing 1 day - - - -	1 00
March 3,	To do 1 do - - - -	1 00
April 6,	To do 1 do - - - -	1 00
May 29,	To cutting and hauling rye - - -	2 00
		$25 50

THE STATE OF ALABAMA, *Monroe County, ss.*

Personally came before me the undersigned justice of the peace acting in and for the county aforesaid Campbell Sharp who being duly sworn says the above account is correct and the sum of twenty-five dollars and fifty cents due thereon.

CAM'EL SHARPE.

Sworn to and subscribed before me the 23d July 1833.

SAM'L P. BAGBY, *J. P.*

Settlement with Smith and Allen, executors, and received from them as follows September 29th, 1833:

One note due the estate of Parks March 19th, 1830, -		$203 40
Interest on the same to this date, - - -		57 40
		$260 80
Paid on said note January 10, 1831 -	$25 00	
Interest on the same to date - -	5 48	
Paid on said note February 22, 1831 -	43 44	
Interest on the same to date - -	10 08	
Paid on said note December 14, 1831 -	2 82	

Interest on same to date - - -	25	
Paid March 19, 1832 - - -	28 59	
Interest on same to date - -	3 52	
Paid May 12, 1832 - - -	20 00	
Interest on same to date - - -	2 23	
Paid April 12, 1833 - - -	98 75	
Interest on same to date - -	3 74	
		$243 90

My note for this amount to H. A. - - - $16 90

GEORGE CRAPS.

Estate John Parks

To H. Cooke Dr.

To expense of tomb-stones - - - - $2 00

Received payment by Capt. Dickson H. Cook. Paid by Smith and Allen.

S. BOLL.

Estate of John Parks, deceased,

To James Dellet Dr.

Oct. 1833. For commissions 5 c on $775 04, collected of D. Connell - - - - - -	$38 75
Oct. 1833. For commissions 5 c on $126 31, collected of A. Carson - - - - - -	6 31
	$45 06

Received payment of E. L. Smith and H. N. Allen executors of J. Parks deceased. October, 1833.

JAMES DELLET.

Estate Jno. Parks, deceased,

To Parsons & Cooper Dr.

November, 1833. For commissions 5 c for collecting $62 of A. Carson - - - - - - $3 10

Received payment of E. L. Smith and H. N. Allen executors of J. Parks deceased. November, 1833.

PARSONS & COOPER.

Received November 20, 1833, of Smith and Allen executors of John Parks deceased five dollars and seventeen cents in full for State and county tax for 1833 against said estate $5 17.

SAM. THOMAS, *T. C. M. C.*

Accounts and Notes Paid.

Estate John Parks

To S. Richardson, Dr.

To this sum due for cost in a suit against Duncan M. Laurin	1 25
To this sum due for cost in a suit against Edwin Cater -	1 25
	$2 50

18th March, 1834, received of Smith & Allen the sum of two dollars 50-100 in full, as above,

J. RICHARDSON, *J. P.*

The estate of John Parks

To Benj. F. Porter, Dr.

1833.

March, To drawing 8 deeds for real estate at auction by ex'rs at $5 each - - - - -	40 00
To executing 8 certificates as Judge County Court -	8 00

Recd payt by credit on my note, 29th Apl 1834.

B. F. PORTER.

THE STATE OF ALABAMA, MONROE COUNTY,
County Court, April 7th, 1830.

John Parks administrator of the estate of Joseph Cahoone deceased having in pursuance of a notice of final settlement given by this court presented his accounts and vouchers for allowance to the judge of this court on the first Monday in March last, and no person having appeared to contest the same the judge of this court proceeded to audit his said accounts and vouchers and it is ordered that the account current of John Parks administrator of the estate of Joseph Cahoone deceased of this date be and the same is hereby audited and allowed and the same be recorded and filed as a final settlement of John Parks administrator of said estate.

I, James H. Droughon, clerk of the county court of said county, do hereby certify that the foregoing is a correct copy of the order entered on the minutes of this court on the final settlement of the above estate by the administrator John Parks and also that it appears from the record of said account current that the said administrator was indebted to the estate the sum of four hundred and eight dollars and eighty-four and one fourth cents.

Given under my hand and official seal the 14th day of February, in the year of our Lord one thousand eight hundred and thirty-three.

Attest JAMES H. DRAUGHON, *Clerk*,
by SAML. M. COLL, *Deputy*.

THE STATE OF ALABAMA, *Monroe county.*

I, Benjamin F. Porter, escheater for the county of Monroe by and under the authority of the statute in such case made and pro-

vided, do under inquest made by me find the within sum of four hundred and eight dollars 84 1-4 cents due by John Parks administrator of Joseph Cahoon's estate escheated to the State.

[L. s.] Witness my hand and seal this 18th day of February, 1833.

B. F. PORTER, *E. M. C.*

In pursuance of a statute of the State of Alabama giving to the several counties in said State all moneys escheated to the State, I have received of Edward L. Smith and Henry N. Allen, executors of John Parks deceased the above sum of four hundred and eight dollars and 84 1-4 cents in the following manner that is to say—

One claim against Monroe county due to Robert T. Black for	$109 00
Two claims due Miss Pattons - - - -	100 00
One do due James Black - - - -	5 56
	214 56
In cash - - - - - -	194 28
	$408 84

Attest B. F. PORTER,
Judge Cty. Ct. M. C.

John Parks

To Joel T. Rivers Dr.

1820		$ Cts
June 30.	To fixing shelves in warehouse - -	1 50
	To mending lock and putting on door -	1 00
	To work on gate and stable - -	2 00
July	To putting legs to old show box - -	1 00
	To putting on lock - - -	50
	To fixing fence at Maldens - -	1 75
	To repairing fence at store - -	1 00
	To repairing wheelbarrow - - -	1 50
	To setting and whetting saw - -	37½
	To laying off and squaring garden - -	1 00
	To fixing store and smoke house doors -	50
	To making calf gap and railing plank on round lots	1 50
	To repairing gates at the old corner -	6 50
	To planking back and part end of cotton shed	1 00
	To 12 cords wood by Irwin - -	24 00
	To 3 do by Steel - - -	6 00
	To mending brush - - -	75
Feb'y	To mending chairs - - -	37½
1831	To mending wheelbarrow - -	50
Mar. 14.	To making steps - - - -	3 00
29.	To mending 4 chairs - - -	1 00
May 3.	To mending 3 do - - - -	37½
9.	To fixing lock - - - -	50

Amount brought over - - - -		57 62½
To fixing pair scales - - - -		8 00
		$65 62½
Cr. By cash	$6	
By a house	50 - - -	56
		$9 62½

JOEL T. RIVERS.

THE STATE OF ALABAMA, *Monroe County.*

This day came personally before me the undersigned justice of the peace acting in and for said county Joel T. Rivers who being duly sworn says that the within account is correct and the sum of nine dollars sixty-two and a half cents due thereon.

Sworn to and subscribed before me the 4th day of February 1833.

SAML. J. BAGBEY, *J. P.*

June 23, 1834, received payment of Smith & Allen, executors.

JOEL T. RIVERS.

CLAIBORNE, Oct. 22d, 1831.

John Parks to Martin Greer	Dr.	
To 100 pumpkins 3c - - - -		3 00

STATE OF ALABAMA, *Monroe County.*

This day came personally before me the undersigned justice of the peace acting in and for said county Martin Greer who says the above account is just and the sum of three dollars due thereon.

Sworn and subscribed before me the 26th June 1834.

SAML. J. BAGBEY, *J. P.*

MARTIN GREER.

June 26th 1834, rec'd payment in full of Smith & Allen.

MARTIN GREER.

John Park, Esq., Dr. to John Peebles

1832.

Feb. 14, For 4 days surveying at $5 per day - - $20 00

THE STATE OF ALABAMA, *Monroe County.*

This day came personally before me the undersigned justice of the peace acting in and for said county, John Peebles who being duly sworn says the above account is just, and the sum of twenty dollars due thereon.

JOHN PEEBLES.

Sworn and subscribed 27th Oct. 1834.

SAML. J. BAGBEY, *J. P.*

Oct. 27, 1834 rec'd pay in full of the above acct. from Smith & Allen.

JOHN PEEBLES.

Know all men by these presents that I John Parks am held and firmly bound to the trustees of the University of Alabama and their successors in office in the penal sum of forty dollars and cents for the payment of which sum of money to the said trustees and their successors in office I bind myself—my heirs executors and administrators.

In testimony whereof I have hereunto set my hand and affixed my seal this ninth day of January, 1828.

The condition of the above obligation is such that whereas the above bound John Parks purchased of said trustees at the date aforesaid the fractional section 22 E A R in township seven in range five containing eighty-three 30-100 acres at the price of eight dollars and cents per acre amounting in all 499 dollars and 80 cents whereof one-fourth part hath been paid and bonds have been given for other two-eighths and also for the principal of the remaining one-half of the purchase money which last mentioned sum or fourth instalment will become due eight years from the date hereof Now if the above bound John Parks shall well and truly pay the said trustees their successors or assigns the further sum of nineteen dollars and ninety-nine cents on the ninth day of January 1834 the same being as interest for the next preceding year on the said fourth instalment according to his contract with said trustees then and in that case the above obligation to be void otherwise to remain in full force and virtue in law.

JOHN PARKS. [L. S.]

Know all men by these presents that I John Parks am held and firmly bound to the trustees of the University of Alabama and their successors in office in the penal sum of forty dollars and cents for the payment or which sum of money to the said trustees and their successors in office I bind myself my heirs executors and administrators.

In testimony whereof I have hereunto set my hand and affixed my seal this ninth day of January 1828.

The condition of the above obligation is such that whereas the above bound John Parks purchased of the said trustees at the date aforesaid the fractional section 22 E A R in township seven in range five containing 83 30–100 acres at the price of eight dollars and cents per acre amounting in all to 499 dollars and 80 cents whereof the one-fourth part hath been paid and bonds have been given for the other two-eighths and also for the principal of the remaining one-half of the purchase money which last mentioned sum or fourth instalment will become due eight years from the date hereof. Now if the above bound John Parks shall well and truly pay said trustees or their successors or assigns the further sum of nineteen dollars and ninty-nine cents on the ninth day of January 1835 the same being due as interest for the next preceding year on the said fourth instalment according to his contract with said trustees then and in that case the above obligation to be void else to remain in full force and virtue in law.

JOHN PARKS, [L. S.]

Know all men by these presents that I John Parks am held and firmly bound to the trustees of the University of Alabama and their successors in office in the penal sum of forty dollars for the payment of which sum of money to the said trustees and their successors in office I bind myself my heirs executors and administrators.

In testimony whereof I have hereunto set my hand and affixed my seal this ninth day of January 1828.

The condition of the above obligation is such that whereas the above bound John Parks purchased of said trustees at the date aforesaid the fractional section 22 E A R in township seven in range five containing 83 30–100 acres at the price of eight dollars and cents per acre amounting in all to 499 dollars and eighty cents whereof one-fourth part hath been paid and bonds have been given for other two-eighths and also for the principal of the remaining one-half of the purchase money which last mentioned sum or fourth instalment will become due eight years from the date hereof. Now if the above bound John Parks shall well and truly pay to the said trustees their successors or assigns the further sum of nineteen dollars and ninty-nine cents on the ninth day of January 1836 the same being then due as interest for the next preceding year on the said fourth instalment according to his contract with said trustees then and in that case the above obligation to be void otherwise to remain in full force and virtue in law.

JOHN PARKS, [L. s.]

John Parks, F. S. 8 T. 6 R. 5, date 3 Feb'y, 1832, due 3 Feb'y, 1835 - -	$312 50	
Interest from date - - - -	56 25	
		$368 75
To be paid by Stephen Steel principal		
Same F. S. 22 T. 7 R. 5, date 9 Jan'y, 1838, due 19 Jan'y, 1834 - - -	19 19	
Int. bond, int. to 30 October, 1834 - -	1 33	
	20 52	
Same for same (principal) same date and due 1836 - - - - - -	333 20	
		353 72
Simon P. Gray, F. S. 6 T. 6 R. 5, date 22 Jan'y, 1832, due 22 Jan'y, 1835 - -	6 75	
Int. to 30 October, 1834 - - -	111 37½	
		$786 37½

Recap—John Parks $353 72
S. P. Gray 786 37½

$1,140 09½

Am't rec'd of Smith and Allen for M. Parks - - $374 37

Est Jno Parks
July 4, 1834 To Smith & Allen Dr

To am't over paid by Mr Gordon on execution and re-
funded by us - - - - - $2 63
Rec'd payment of E L Smith & H N Allen Exs.

SMITH & ALLEN,
By E. L. SMITH.

Sworn to and subscribed before me this 4 Sept'r 1837.

DAVID FILES,
Master in Chancery.

THE STATE OF ALABAMA.

To the Sheriff of Dallas County, greeting:

You are hereby commanded that of the goods and chattels lands and tenements of Ann Houston late of your county you cause to be made the sum of one hundred and thirty-nine 45–100 dollars which John Parks lately in our circuit court hath recovered against her for debt also the sum of fourteen 86–100 dollars which to the said John Parks in the same court was adjudged for his damages for the detention of said debt and also the sum of eighteen dollars 18¾ cents his cost in this behalf expended whereof the said Ann Houston is convicted and that you have the said money before the judge of our said court on the fourth Monday of March next to render to the said Parks in discharge of his debt damages and costs: and have you then and there this writ.

Witness Matt Gayle clerk of said court at office the tenth day of October in the year our Lord one thousand eight hundred and thirty-three in the fifty-eighth year of the sovereignty and independence of the United States of America.

MATT GAYLE, *Clerk.*

Issued the 10 day of October 1833.

Calculate interest from 41 day of October 1833.

July 4th 1835 received eighteen dollars and eighteen cents in full of costs in this execution by order of L. B. Bethea, Esq., from Smith & Allen executors of J. Parks deceasad.

HUGH BETHEA.

Mr. John Parks and estate of John Parks deceased
To Smith & Allen Dr.

1831

April 1, For 6 yds. white homespun 14c—84c,
1 spool thread 1s 6d - - - $1 03
6, For 1 lb. pepper 4s, 1 lb. spice 4s, 1 qrt.
molasses 1s 6d - - - 1 19
11, For 5 yds. brown holland 4s—20s, thread 1s 2 62
15, For 1¾ lbs. beeswax 1s 6d—32c, 1 box
Seedlitz powders 8s - - - 1 32

Ap'l 30, For quire paper 3s - - -	38	
		$6 54
May 11, For 1½ yds. lining 4s—6s, 17th, 2 lb. cut nails 1s—2s - - - -	1 00	
18, For 1 bbl. flour $8¼, 27th, 2 yds. lining 1s—2s - - - -	8 50	
		9 50
30, For hawling 1 cord wood 16s - -		2 00
June 1, For 1 oz. barks 2s, 3 yds. cotton janes 5s—15s, trimmings 3s - - -	2 50	
For 1 oz. barks 2s, 2d, 1 bottle castor oil 5s	88	
3, For 2 oz. barks 2s—4s, 13th, 1 saddle blanket 22s, 1 pair gloves 6s - -	4 00	
15, For 2 lbs. beeswax 1s 6d—3s, 18, cash for butter 11s - - -	1 75	
29, For 3 oz. barks 2s—6s, 1 oz. barks 2s -	1 00	
		10 13
July 11, For 1 gimblet 1s, cash for eggs 3s -	50	
18, For 1 blank book 3s, 23d, 1 lb. candles 4s, butter 3s - - - -	1 25	
		1 75
12, For cash paid freight on 1 barrel 6s -		75
Aug. 8, For 11 lbs. sperm candles 4s—44s, 1 cord wood 16s - - - -	7 50	
22, For 2 lbs. beeswax 1s 6d—3s, 6 yds. white homespun 15c—90c - - -	1 28	
23, For 1 spool thread 1s 6d, 28, 1 qrt. vinegar 1s 6d - - - -	38	
26 For cash for eggs 2s, 3 nutmegs 2s -	50	
		9 66
6, For ¾ cord wood 16s - - -		1 50
Sept. 2, For cash 4s, 1 lb. pepper and 1 lb. spice for 7s - - - -	1 38	
5, For 4 lbs. sugar 1s—4s, 12th, 16 lbs. sugar a 10c—$160 - - - -	2 10	
12, For cash for beef 1s, 13th, 1 pair fine shoes 20s - - - -	2 62	
13, For 10 lbs. butter 1s 6d—15s, 7 lbs. sugar 10c—70c, 4 lbs. sugar 1s—4s -	3 08	
17, For cash 1s, 4 lbs. sugar 1s—4s, 20th, 1 lb. cut nails 10 - - - -	73	
23, For cash 81c, 26th, 1½ lb. loaf sugar 2s 6d 47c - - - - -	1 28	
27, For 8 lbs. sugar 10c—80c, 29th, 1 cord wood 16s - - - -	2 80	
		13 99
Oct. 10, For 3 lbs. sugar 1s—3s, 11th, cash 4s, 11th, paid for washing 10c - -	2 13	
11, For cash for sundries 4s, do. do. 11s, 5 lbs. sugar 10c—50c - - -	2 37	

Oct. 15, For cash for beef 1s 6d, for washing 12s, 21st, 1 yd. check 1s 6d - -	1 88		
21, For 2 yds. oznaburgs 15c—30c, 27th, 1lb. candles 4s - - - -	80		
		7	18
Amount carried forward		$63	00
1831. Amount brought forward - -		$63	00
Nov. 3, for 4 lbs. sugar 1s—4s. cash 2s. 7th, paid for butter 9s - - - -	$1 88		
7, for am't J. Hamilton's acc't 28s, 7 1-2 yds ticklenberg 2s—15s - - -	5 38		
10, for 1 pair fine shoes 16s. 14th cash 16s do for socks 16s - - - -	6 00		
18, for 7 yds flannel 5s 6d—38s 6d, 4 1-2 yds homespun 2s 6d $1 44 - -	6 25		
for 1 spool thread 1s and D. McIntosh note on acc't cotton 44s - - -	5 62		
19, for 1 box blacking 2s. 22d, 1 bar soap 2s 2 nutmegs 1s - - - -	63		
24, for 1 tin pan 2s 1lb candles 4s 1 box candles 31 1-2 lbs at 3s 6d, box 2s -	10 34		
29, for 3 yds satinet 18s—54s 1 yd domestic 2s 4d, 1-4 yd linen 4s—1s - -	7 19		
for 1 doz buttons 1s 3 skeins of silk 2s thread 1s - - - -	50		
for 2 lbs nails 10c 20c 5 yds cassinet 7s 35s	4 57		
for trimmings 4s. 30th, 1 bal superfine flour $8 00 - - - -	8 50		
		56	85
29, for cash am't paid taxes - - -		52	85
Dec. 1, for 1 bar soap 2s. 3d, 2 lbs sheet iron 1s—2s 1 1-2 lb do. do. 1s 1s 6d - -	69		
9, for 1 lb cheese 15c 4 yds cassinet 8s—32s trimmings for pants 3s - -	4 53		
10, for 1 sack salt 22s 1 lb salt petre 3s 2 lbs sugar 1s—2s - - - -	3 88		
14, for 1 bar soap 2s. 15th, 1 pr. shoes 12s 1 qt. molasses 1s 6d - - -	1 94		
17, for 3 qts. vinegar 5s—47c. 21st, thread, buttons, and tape 2s - - -	72		
22, for am't S. Andress' due bill exchanged for Doct. Simpson - - -	8 07		
23, for 6 1-4 yds jaconet 6s—37s 6d, 6 yds calico 2s 6d—15s 1 qt. rum 5s -	7 19		
26, for 5 yds domestic 17c—85c. 27th, 1 qt. rum 3s 8 lbs. sugar 8s. - -	2 22		

Dec. 28, for 2 French stripe blankets 24s—48s. 29th, 1 pr spurs 14s 1 pencil 1s - -	7 88		
		36	62
5, for freight on 19 bales cotton at 6s -		14	25
for hawling 19 do do at 1s	2 38		
12, for do 23 do do at 1s	2 87		
		5	25
14, for am't rec'd in J. O. Rawls note rec'd of Barnett - - - -		21	10
29, for hawling 1 barrel oysters at 1s -			12
1832.			
Jan. 3, for am't J. Dellet's coms. in case Parks vs. Carson on $570—75c - -		28	50
6, for 1-2 lb. spice 3s—1s 6d 1 qt. Jamaica rum 5s. 13th, 5 lbs. sugar 4s - -		1	31
14, for 1 1-2 lb. cheese 1s 1s 6d, hawling 3 bales cotton 2s - - -			44
18, for 2 nutmegs 1s 1 qt. vinegar 1s 6d 3 1-2 lbs. rope 1s—3s 6d - - -			75
21, for 1 paper mustard 2s. 24th, 8 lbs. sugar 8s 1 qt. vinegar 1s 6d - - -		1	44
24, for thread 1s 3¾ yds homespun 1s 6d—61c eggs 4s. 31st, 4 lbs. sugar 1s—4s -		1	73
12, for am't Silas Doles' acc't in part -		1	12
19, for hawling 10 bales cotton at 1s - -		1	25
Amount carried forward -		$286	59
1832. Amount brought forward -		$286	59
Feb. 1, for amount Barbara McCorvey's acc't to January - - -	-$45 35		
for am't Neil M. Corvey's acc't to Janu'ry	5 25		
for do John M. Corvey's acc't do	3 13		
3, for 1 bbl. Irish potatoes 24s. 6th, 1 pair fine shoes 20s - - - -	5 50		
6, for 1 seal skin cap 12s. 8th, 1 set candle moulds 6s - - - -	2 25		
15, for 7 lbs. sugar 10c—70c. 16th, Jamaica rum 6s - - - - -	1 45		
21, for 7 lbs. sugar 10c—70c salt and vinegar 3s 6d - - - -	1 14		
24, for am't Daniel Roberts' acc't on account cotton - - - - -	8 67		
for am't Jeremiah Roberts' acc't taken out cotton - - - - -	5 75		
		78	49
23, for hawling 3 bales cotton at 1s - -			38
9, for am't newspaper postage to January -			64
28, for hawling 3 bales cotton at 1s - -			38
29, for cash am't paid per order of court 6s -			75

Feb. 25, for 6 doz. eggs 1s—6s cash am't paid Mr. Draughon 1 19 - - -	1 94		
29, for 1 white vest and trimmings - -	1 88		
			3 82
Mar. 2, for 1 piece linen 26 yds 8s—$26 00. 3d, 5 lbs. coffee 8s paid for eggs 6s - -	27 75		
3, for 1 qt. vinegar 1s 6d paper 3s. 7th, 7 lbs. sugar 10c—70c - - -	1 26		
7, for 10 yds. domestic plaid 1s 6d—15s cash am't paid for butter 2s 6d - -	2 18		
8, for cash this sum 2s and J. Turbeville's account 4s - - - -	75		
13, for 5 lbs. coffee 8s 3 gls. whiskey 5s—15s. 15th 4 lbs. sugar 10c—40c - -	3 28		
15, for 1 bar soap 3s. 19th, ½ lb. sal nitre 2s—1s 5 lbs. sugar 10c—50c - -	1 00		
19, for two nutmegs 1s 6d. 22d, hawling 2 bbls 1s—2s - - - -	44		
24, for 8 lbs. sugar 10c—80c 1 qrt. vinegar 1s	93		
29, for am't paid Boney & Fleming for R. Manning's note - - -	15 49		
31, for 5 lbs. coffee 8s ½ lb. tea 20s—10s -	2 25		
			55 33
7, for am't Squire Reed's bill lumber -			5 76
Ap'l 2, for 1 lb. loaf sugar 28c 7 lbs. sugar 10c—70c 1 bar soap 3s - - -	1 36		
6, for am't included in D. B. Cook's note $13 88. 9th, 1 sett iron spoons 3s -	14 26		
10, for 6 lbs. loaf sugar 28c—$1 68. 12th, ½ lb. hyson tea 16s—8s 5 lbs. sugar 10c—50c	3 18		
18, for wood 1s cash 7s. 23d, 1 qrt. vinegar 1s 5 lbs. sugar 4s - -	1 63		
25, for ½ lb. tea 16s—8s 3 lbs. beeswax 1s 6d—4s 6d sugar and coffee 16s -	3 56		
26, for 1 box seidlitz 6s. 28th, ½ doz. tumblers 8s 2 dishes 8s—16s - - -	3 75		
30, for cash 16s 1 paper mustard 2s plates 4s	2 75		
			30 49
Amount carried forward -			$462 63
1832. Amount brought forward			462 63
Apl. 5, For 2 yds. plaid domestic 1s 4d 3s, thread 1s			50
May 3, For 6 lbs. sugar 1s 6d, 5th bal. W. J. Canty's note 51s - - - -	5 93		
5, For thread 1s, 8th 5 lbs. coffee 18c, 90c 9th sugar and coffee 16s - -	3 03		
11, For 2 ps. sheeting 72 yds. 14c $10 08 2 spools thread 1s 2s - - -	10 33		

May 11,	For 2 qts. vinegar 1s 2s, 14th 2lbs. butter 2s 4s 8½ lbs do 2s 17s - - -	2 87	
15,	For 1 lb pepper 3s, 17th 1 small cord 2s 6 lbs. sugar 10c 60c - - -	1 23	
17,	For 3 nutmegs 2s, 22 lbs coffee 8s, 28th ½ bushel salt 8s 4s - - -	1 75	
28,	For 8 lbs sugar 10c 80c, 31st 6 yds yellow flannel 5s, 30s tape 1s - -	4 68	
			29 82
29,	For amt. coms. in case E. R. James -	14 68	
	do do J. Reaves -	10 26	
			24 94
June 2,	For vinegar, molasses and rice 4s, 6th one pr. fine shoes 20s - - -	3 00	
7,	For cutting and hawling rye 8s, coffee 8s 6 yds. oznaburgs 15c 90c - -	2 90	
11,	For 7 yds. oznaburgs 1s 7s, thread and buttons 2s - - - -	1 13	
13,	For rice nutmegs and sugar 9s, 20th 47 lbs lard 1s 47s, sugar 70c - -	7 70	
			14 73
19,	For 5 lbs. coffee 8s, 2 qr. rice 1s 2s, one yard oznaburg 15c - - -		1 40
24,	For making 2 flannels 4s - -		1 00
July 4,	For 1½ yds. green baize 6s 9s, 4th, 1¼ lbs. beeswax at 1s 6d, nutmegs 1s - -	1 30	
7,	For 5 lbs. coffee 18c 90c, 11th rice 2s, 2 yds. oil cloth 5s 10s - - -	2 40	
11,	8lbs. sugar 10c 80c, 16th 3 qts. rice 1s 3s, 4 lbs. loaf sugar 2s 8s - -	2 18	
16,	For ½ gal. wine 28s 14s, 8 lbs. sugar 10c 80c, paid for Henry 3s, nutmegs 2s -	3 10	
23,	For 2 lbs. candles 4s 8s, 24th paid washing 12s, buttons, &c. 10s - -	3 75	
27,	For cash for fowls 8s, merzd. for do 8s -	2 00	
			14 73
Aug. 1,	For 4 lbs. sugar 10c 40c, 7th 1 lb. candles 4s, 4 lbs. coffee 18c 72c - -	1 62	
10,	For 4 lbs. sugar 10c 40c, one fur hat and crape $3 60 - - - -	4 00	
	For cash 12c, 13th cash for marketing 2s, 12 yds. plaid domestic 1s 6d 18s -	2 62	
14,	For 7 yds. sheeting 1s 7s, one sp. thread 1s 15th one lb. candles 4s - -	1 50	
15,	For 40 lbs. flour at 7¼ $2 10, 18th 5 lbs. coffee 18c 90c - - -	3 00	
18,	For cash for butter 2s, 22d do for fowles 6s postage 2s - - - -	1 25	

Aug. 25, For 8 lbs. sugar 10c 80c, 27th cash paid for eggs 2s		1 05	
			15 04
30, For cash paid for butter and molasses 5s			62
Amount carried forward			$565 41
1832. Amount brought forward			565 41
Sep. 3, For ½ lb. tea 16s 8s, 13¾ lbs. sugar 10c $1 35, 5th cash beef and butter 3s		2 73	
5, For cash for shoes 5s, 6th 5 lbs. sugar 10c 50c, 7th 6½ lbs. sugar 10c 65c		1 77	
8, For amt. paid for fowls 4s, cash for beef 2s 6d, 11th 4 lbs. coffee 18c 72c		1 53	
11, For cash 7s, 14th cash for butter 5s 6d, 2 lbs. bees wax 3s 6s		1 94	
15, For 4 lbs. sugar 10c 40c, cash for chickens 6s, 17th 4 lbs. coffee 18c 72c		1 87	
17, For one lb. candles 4s, 18th butter 6s, letter postage 2s		1 50	
20, For butter 1s 6d, 22d 6 lbs. sugar 10c 60c 4 lbs. candles for 3s		1 17	
24, For cash for butter and rice 8s, beef 3s, 28th 4 lbs. coffee 18c 72c		2 10	
			14 61
Oct. 1, For cash for beef 2s, 2d 22 lbs. flour 5c 1 10, 4 lbs. butter 1s 6d 75c		2 10	
8, For 1 lb. candles 4s, 11th 4 lbs. coffee 18c 72c, 13th 1½ lb. loaf sugar 20c 30c		1 52	
13, For 6 lbs. sugar 10c 60c, cash for buttons 2s, 1 lb. candles 4s		1 35	
17, For 4 lbs. lard 1s 6d 6s, 5 panes glass 4s, one bar soap 3s		1 63	
19, For flour 1 17, 20th 5½ lbs. beef 22c, one lb. butter 19c		1 58	
22, For 6 yds. domestic 1s 6s, thread 1s, one lb. candles 4s, making shirts 6s		2 12	
26, For one pair shoes 8s, 5 lbs. coffee 18c 90c paid washing bed clothes 12s		3 40	
			13 70
1, For cash paid for fowls 12s			1 50
27, For cash for butter 1s 6d			19
29, For amt. paid W. A. Marshall her act.			19 00
Nov. 8, For one pair shoes for Andrew 14s, 9th 3 spools thread 1s 3s		2 13	
10, For one lb. candles 4s, 19th 5½ yds. home spun 20c $1 10, 3 hdks. 1s 6d 4s 6d		2 16	
24, For one pair negro shoes 12s, 28th 3 yds. red flannel 4s 12s		3 00	
			7 29

Nov. 22, For cash paid State and county tax -			9 50
23, For cash freight on trunk to New York -			46
Oct. 29, For 12¾ lbs. bacon 10c - - -			1 28
Dec. 3, For 5½ yds. fustian 2s 11s, domestic thread and buttons 3s 6s - - -	1 81		
For amt. paid expense on trunk from New York - - - - -	2 00		
6, For one round coat 32s, 3¼ yds. negro cloth 4s 13s, thread 1s - - -	5 75		
7, For mustard for sick horse 4s 6d, one bottle oil 4s - - - -	1 06		
10, For one phial opedeldoc 2s, 12th one do castor oil 4s - - - -	75		
			11 37
3, For one blank book for accounts 12s -			1 50
Feb. 9, For amount paid on bank check 23d May, 1832, 6s - - - -			75
Mar. 16, For amt. overpaid John M. Connell, on note	1 34		
For amt. compen. paid Jas. Dellett, in case Parks vs. M. Coll - - -	11 14		
			12 44
Amount carried forward			$659 00
1833. Amount brought forward			659 00
Apl. 24, For amt. paid Stebbins & Brower, bill tombstone - - - -			24 10
May 15, For amt. paid John Boyd & Co., act. -			3 75
Jan. 3, For amt. paid board for boy Moses one month - - - -			6 00
Mar. 7, For cash paid postage on power attorney to New York - - - -	2 00		
14, For do do to North Carolina -	25		2 25
Apl. 17, For do do 2s - -			25
24, For do do 2s - -			25
June 11, For do do 2s - -			25
Feb. 6, For 1 pr shoes for Ruthan 12s, amt. paid S. Andress for part ba'l flour borrowed 1831 - - - - -	6 00		7 50
July 8, For expence in the case of John Staunton 6s - - - - -			75
Sept. 5, For cash paid postage 1s 26th, do do to Marion 2s - - - -			38
Oct. 8, For do on newspaper - -			51
			$704 99

Received payment of the above account in settlement of E. L. Smith & H. N. Allen executors of J. Parks deceased.

E. E. November 16th, 1835. SMITH & ALLEN.

1831. Contra Cr.

Jan.	3, By 1 sack salt - - - - -			3 75
	29, By 1 iron pot 32 lbs at 9 c - - -			2 88
	25, By 30 y'ds bagging at 2s - - -			7 50
Feb.	7, By 1 large iron pot at 24s - - -			3 00
Apl.	7, By 2 ½ gallon jugs at 1s 6d - - -			38
	23, By 1 y'd insertion at 3s - - - -			37
	7, By am't your bill laces - - - -			29 05
May	24, By 1 Mairs introduction 4s - - -			50
	25, By 1 do do 4s - - -			50
	28, By 169 lbs iron 7 c 11 83, 1189 lbs do 5 c 59 45 ½ keg powder 3 25 - - - -			74 53
June	17, By 6 y'ds thread edging at 3s - - -			2 25
	23, By am't D. McIntosh ac't transferred - -			3 50
	20, By am't rec'd of Mr. Peebles on ac't of N. Stewart			15 00
July	25, By 1 straw bonnet sold - - - -			2 50
	23, By 1 ¼ y'ds black cloth at $7 00 - -			8 75
	25, By 2 y'ds silk lace 3s - - - -			75
	9, By bal. due on W. Robinson jr. ac't - -			3 00
	23, By 2 y'ds thread lace at 3s - - -			75
	21, By 1 straw bonnet at 28s - -			3 50
Apl.	12, By am't W. M. Burns note given up to W. Tarlton - - - - -	22 65		
	20, By Murdoch McIntosh note given up -	18 77		41 42
	18, By 1 Murrys exercise at 4s - - -			50
	2, By 1 Mason's Farrier at 6s - - -			75
	26, By 3½ y'ds cord for 2s - - - -			25
	18, By am't rec'd of Jas. Dellett $30 71 1½ y'ds silk lace 3s 56 c - - - - -			31 27
	2, By 1 y'd thread footing at 3s - - -			38
Sept.	16, By 4 y'ds bobinet lace at 5s - - -			2 50
	13, By 1 Murrays key and 2 exercises for 12s -			1 50
	8, By 1 grid iron at 8s - - - - -			1 00
	12, By 1 do do at 8s - - - -			1 00
	1, By cash am't of D. Robers am't loaned 8s -			1 00
Nov.	11, By 2 spools floss at 1s 6d - - -			38
	5, By 2 bottles at 1s - - - -			25
	22, By cotton ac't for am't 2 notes and in't - -			27 25
	Amount carried forward - -			$271 91
1831.	Amount brought forward - -			271 91
Nov.	23, By 1 bunch pink cord at 3s - -			38
	26, By 1 Virgil 18s, 1 Greek grammar 7s -			3 13
Dec.	7, By am't Eli Bradleys note - -			34 45
	13, By am't J. B. Korngay's note - -	16 20		
	23, By am't George Taylors note and in't -	11 69		

Dec. 23,	By am't Malcolm McNeil's note and in't -	31 50	59	39
24,	By am't D. Jones 2 notes and in't -		64	35
28,	By cash am't on F. H. Porters note for expenses - - - -		1	57
2,	By balance Thames note $3 09 in't 5 77		8	86
1832.				
Jan. 10,	By am't assumed to pay for Mrs N. M. Lucas - - - -		49	75
28,	By cash am't rec'd of David Torrey -		6	00
2,	By am't Elijah Wiggins note and in't -	15 45		
	By am't endorsed on Daniel McNeils note	7 00		
12,	By am't Wm. Hails note and interest -	14 04		
	By am't do ac't - - -	5 69		
17,	By am't Edmond Morrisons note and in't	23 96		
18,	By am't Thomas L. Roberts note -	13 00		
19,	By am't on execution vs B. Cahal -	13 14		
			92	28
21,	By am't rec'd on M. Mc Neils ac't for Stagner -	20 00		
Jan. 23,	By am't Wm. Saulters note - -	3 62		
30,	By am't endorsed on Jacob Longs note for 2 bales cotton, - - -	66 00	89	62
10,	By am't E. J. Vernons note due Jan'y 1 1822 - - - - -	7 14		
	do do do do 8, 1821	68 29		
	By am't interest on do - - -	5 46		
	By am't E. J. Vernons note due Jan'y 1st, 1831 - - - - -	20 83		
	By am't interest on do - - -	1 67	103	39
28,	By bal. due on John Foxes note given up		2	75
3,	By 1 lb chalk, 1s. - - -			12
	By am't J. Merrits note given W. Roberts jr		7	00
Feb. 1,	By am't Peter P. Cullums note and int.	28 75		
3,	By am't William Thames note given up	22 00	50	75
	By am't Richard Wilmers 2 notes given up - - - - -	66 78		
15,	By am't recd. of Turbeville on notes -	37 11		
16,	By am't David Snell, 3 notes given up	198 47	302	36
	Amount carried forward - -		$1,148	06

1832.	Amount brought forward Dolls		1,148	06
Feb. 23,	By am't G. N. Lowrys notes given up -	22 65		
	By am't rec'd from Abner Alldridge -	45 30	67	95
7,	By am't Barney & Flemings note -		19	98
9,	By E. L. Smiths acc't with J. H. Schroebel - - - - -	3 50		

Feb.	9, by Eli Bradleys do do do	13	00		
	by John P. Alexander do do	3	50		
	by cash am't rec'd of J. H. Schroebel in full - - - - -	40	69	60	69
	14, by am't Josephs Grahams 2 notes, 52 36 in't on do - - - -	7	17	59	53
	23, by am't C. A. Englishs ac't transferred			9	19
	9, by bal. on H. N. Allens old ac't -			7	90
	2, by am't D. Allbuttons note and in't given to W. J. Canty - -	48	91		
	by am't Wm. J. Canteys note and in't -	21	94		
	by am't endorsed on M. Frious note -	45	00	115	85
	4, by bal. due on J. Davisons note and in't			5	13
	10, by 1 stone jug 4s. - - -				50
	14, by 1 pair coarse shoes, 10s. - -			1	25
	7, by 2 set curls, 4s. - - -			1	00
March	20, by bal. net proceeds 4 bales cotton -			162	84
	19, by am't rec'd of George Craps -			28	59
	20, by am't of Skiles Foster on ac't -			6	56
	8, by am't of Jesse O. Rawls in notes -			250	00
	16, by am't Chesolm's note and in't -	84	91		
	17, by am't bal W. Ligler note and in't -	20	00	104	91
	21, by am't W. P. Gills note and in't -			67	53
	by 1 lb chalk, 1s. - - -				13
April	4, by amount Thomas English ac't -			1	75
	2, by 1 peck potatoes, 3s - - -				38
	17, by 1-2 bushel do 12s - - -				75
	16, by am't included in J. E. Simpkins order			7	84
	by 1 Greek testament, 12s - -			1	50
	10, by 5 y'ds silk lace 2s—10s, 1 bunch curls 4s - - - -			1	75
	14, by 3 pecks potatoes for 8s - -			1	00
May	7, by bal. Wm Wallers notes - -			126	41
	Amount carried forward Dolls			2,258	97
1832.	Amount brought forward Dolls			2,258	97
May	1, by am't S. Busys ac't vs Jno. T. Donald	12	63		
	by am't do do vs E. L. Smith -	19	50	32	13
June	2, by 6 bottles claret wine, at 4s - -			3	00
	6, by 2 1-2 y'ds black lace, 3s - -				94
July	12, by 1 straw bonnet, 12s - - -			1	50
	9, by 1 grammar, 5s - - -				63
	25, by 1 lb chalk, 1s - - -				13
Apl.	30, by 10 lb bacon, 10s - - -			1	00
	29, by 1 lb chalk, 1s - - -				13
	10, by 1 pair long red gloves, 6s - -				75
	20, by 14 lb bacon, 10c - - -			1	40

	31, by 2 y'ds black lace, 3s—6s, 1 lb chalk, 1s	87
	4, by 1 lb chalk, 1s - - -	13
	6, by 1 lb chalk, 1s - - -	12
	22, by 2 y'ds silk lace, 2s - - -	50
Sept.	4, by 46 lb bacon 10 c 4 60 13 lb do 10 c 1 30 - - - - -	5 90
	3, by 2 y'ds black lace, 3s - -	75
	To amount carried forward - -	$2,308 85
1832.	Cr. Amount brought forward -	$2,308 85
Sept.	11, by 1 latin grammar 4s, 1 sacred history 6s - - - -	1 25
Oct.	30, by 1 sett cards, 6s - - -	75
	5, by 1 lb chalk, 1s - - -	13
Nov.	1, by 10 1-2 lb bacon, 10 c - -	1 05
	21, by 2 1-2 y'ds lace, 2s - - -	63
	29, by 1 sett cards, 6s - - -	75
Oct.	5, by do do 6s - - -	75
Dec.	20, by do do 6s - - -	75
	17, by merchandize sold for cash, 4s -	50
	31, by 1 y'd lace do 5s -	63
	13, by 2 y'ds silk lace, 3s - - -	75
Oct.	4, by 15 lb bacon 10 c - - -	1 50
1833.		
Jan.	4, by hire Moses 15 days for $6 00 -	6 00
	28, by 1 sett curls, 6s - -	75
March	20, by 1 shoulder bacon 11 lb at 6½ -	72
June	4, by 50 wine bottles at 10 c - -	5 00
July	22, by Marton Marshall's ac't - -	44
Nov.	29, by 2 empty casks for 16s - -	2 00
	E. E. Dolls	2,333 20

SMITH & ALLEN.

The estate of John Parks,	To James Dellet	Dr.
To drawing 6 conveyances - - -		$30 00
To amount of acc't in blacksmith's shop for 1830 $7 1831 $7 56, 1832 $1 87½ - - - -		16 43
To drawing 2 wills for Mr. John Parks, one in 1829 and one in 1831 - - - - -		50 00
John Parks v John Moore - -	1,332 15	
John Parks v John W. Moore -	1,139 31	
John Parks v S. P. Gray - -	1,943 04	
John Parks v S. P. Gray - -	1,638 82	
John Parks v Turnstul - -	779 26	

John Parks v H. W. Taylor -	264 30	
John Parks v S. M. Coll - -	165 00	
John Parks v Travis - - -	202 93	
	7,464 81	
Interest from 1830 to 1836 -	2,974 90	
5 per cent commission on this sum	10,440 71	522 03
To drawing articles of dissolution, and settlement between John Parks and John M. Burke -	$5	
Conveyance from Burke to Parks - -	5	
Advice and written opinion, and instructions to John Parks respecting the property of Mc Pherson - - - - -		10 00
		638 46

Jan'y 14, 1836 rec'd of E. L. Smith & H. N. Alex'rs of John Parks the sum of six hundred thirty-eight dollars forty-six cents.

JAMES DELLETT.

John Parks To Asa Hammond, Dr.

1832.
To fees E. L. Smith use of J. Parks vs Neal McArn appeal - - - - - $2 18¾
1836.
E. L. Smith & H. N. Allen, exers. of J. Parks, dec'd. 3 February, to drawing deed Sikes to Robert Heren - - - - 5 00

7 18¾

February 5th, 1836. Rec'd payment in full of Smith & Allen executors.

ASA HAMMOND.

Mr. John Parks To Claiborn Hotel Dr.

1831, Oct. 16, To Snack, 2s - - - 25
Rec'd payment from Messrs Smith & Allen, adm'r, 2d March, 1836.

D. W. GOODMAN, *Adm'r.*

John Parks To L. M. Goodman, Dr.

1831, To 4 drinks - - - - - -	25
Dec. To 4 do - - - - - -	25
1832, May, 2 drinks - - - - -	13
To Claiborne hotel - - - - - -	25
	$1 88

THE STATE OF ALABAMA, *Monroe County.*

This day came personally before me the undersigned justice of the peace acting in and for said county Leonard M. Goodman who being sworn says the within account is just.

Sworn and subscribed before me the 24th day of Oct 1832.

LEONARD M. GOODMAN.
SAMUEL J. BAGBY, *J. P.*

413.	Clerks fees &c. - - -	5 50
JAMES YOUNG	Atty. Dillet fees - - -	4 00
vs.	County tax, - - -	2 00
EDWARD L. SMITH, Exc.	Former Sheriffs fees - -	1 75
	Andress fees - - -	2 25
		$15 50

Received of E. L. Smith, Exc. &c., the above case in full this 15th March, 1836.

S. S. ANDRESS, *Sheriff.*

1832. Mr. John Parks

To A. P. Bagby, Dr.

To professional services in the circuit court Monroe in the case o Parks vs. Tait, - - - $50 00

Received of Messrs. Smith & Allen the amount of the above account, 13th November 1834.

A. P. BAGBY.

The Estate of Jno. Parks

To John Bouner, Dr.

1832.

April 4,	To visit and dressing wounds on head - -	2 50
	To dressing wounds twice a day 10 days -	10 00
	Medicine for Rutha - - - - -	10 00
		$22 50

Received paymemt of E. L. Smith & H. N. Allen, Exs. on said estate, January 1837.

JNO. BOUNER, *Clerk.*
By SMITH & ALLEN.

Depositions.

In a certain cause pending in the circuit court of the United States of America for the southern district of Alabama at Mobile wherein Wilson Parks Samuel Parks Hannah Caroline Parks Sarah J Parks Mary A Parks Elizabeth L Parks John McAmy Johnston Jane Caroline Johnston Mary A Johnston Silas Alexander & Sarah S Alexander his wife Silas Alexander adminis-

trator of John P Alexander decd Allen C Moore Nathan H Orr and his wife Sarah A Orr Margaret L Young James A Young Hannah C Young Robert L Young George W Houston and his wife Jean Thomas S. Alexander John G Moore and his wife Ellen plaintiffs and Edward L Smith & Henry N Allen, and John G Morris and his wife Eliza defendants I Samuel M Comb judge of the county court of Mecklenburg, county in the State of North Carolina at the instance of the plaintiffs in the said suit above entitled have caused David Stenson John Campbell David Parks and Joseph Harvey Wilson who reside in the county of Mecklenburg and State of North Carolina to come before me at the court house in the town of Charlotte in the county last aforesaid and the said David Stenson John Campbel David Parks and Joseph H Wilson having been by me examined cautioned and sworn to testify the whole truth did depose and say and do depose and say as follows that is to say — The said David Henson deposeth and saith that he knew Jane Young wife of James Young that the said Jane Young was the sister of John Parks deceased of Clarborn Alabama—That she had ten children to wit Cynthia married to Reuben Hood—Mary wife of George W Houston Eliza the wife of John J Morris Elias Young Jane wife of the said George W Houston James A Young Sarah A wife of Nathan H Orr Robert H Young Margaret L Young and Hannah C Young. That the said Cynthia Hood was born the twenty-third of January one thousand seven hundred and ninety-eight and died about the year one thousand eight hundred and twenty-two leaving three sons her surviving viz: Alexander J Hood James C Hood and John J Hood all of whom are minors and reside in Mecklenburg county. That the said Mary Houston was born the twentieth April one thousand eight hundred and died in the month of February one thousand eight hundred and thirty-two having one child by the said George W Houtson viz: Henry L Houston born in the year one thousand eight hundred and thirty-one and residing in the county of Mecklenburg aforesaid. That the said Eliza Morris was born on the twenty-sixth September one thousand eight hundred and two and formerly resided in the said county of Mecklenburg and now resides some where out of the State of North Carolina. That the said Elias Young was born on the thirtieth day of October one thousand eight hundred and four and now resides in Mecklenburg county aforesaid. That the said Jane Houston was born on the second April one thousand eight hundred and seven and resides in Mecklenburg county aforesaid. That the said James A Young was born the fourth April one thousand eight hundred and nine and now resides in Mecklenburg county aforesaid. That the said Sarah A Orr was born the twentieth June one thousand eight hundred and eleven and now resides in the said county of Mecklenburg. That the said Robert H Young was born the eighteenth October one thousand eight hundred and thirteen and resides in Mecklenburg county aforesaid. That the said Margaret L Young was born the twenty-

fifth October one thousand eight hundred and fifteen and Hannah C Young on the twenty-second August one thousand eight hundred and twenty-one and that they both reside in the said county of Mecklenburg. That the said Mary Houston had a daughter named Ellen Moore who is now the wife of John Gillon of Rowan county North Carolina. And the said David Stevenson further deposeth and saith that he knows Cynthia Moore of Mecklenburg county North Carolina. That she is the sister of the said John Parks deceased and was first married to Samuel C Johnston and afterwards to James Moore both to Mecklenburg county aforesaid. That she had the following children viz: Jane C Johnston born the twenty-fourth September one thousand eight hundred and sixteen—John M Johnston born October eleventh one thousand eight hundred and eighteen and Mary Ann Johnston born December the twenty-ninth one thousand eight hundred and twenty and all of which children reside in the said county of Mecklenburg. That the said Cynthia Moore had several other children who all died in infancy and before the said testator John Parks except Ellen C Moore. And the said David Stevenson further deposeth and saith that he knows the plaintiff Wilson Parks that he is a brother of the said John Parks deceased—that he has four children viz: Hannah C Parks born December the sixth one thousand eight hundred and twenty-three Sarah J Parks born December thirtieth one thousand eight hundred and twenty-five. Mary A Parks born October third one thousand eight hundred and twenty-eight—and Elizabeth L Parks born March eighth one thousand eight hundred and thirty-one all of whom reside in the said county of Mecklenburg. That the said Wilson Parks, Hannah C Parks Sarah J Parks Mary A Parks Elizabeth L Parks John M Parks John M Johnston Jane C Johnston Mary A Johnston Sarah A Orr Margaret L Young James A Young Hannah C Young Robert H Young Jane Houston and Ellen Gillen are respectively complainants in this suit. *And* the said John Campbell deposeth and saith that he knew the said Cynthia Moore and that she had one child by her second husband James Moore viz: Ellen C Moore born on the first August one thousand eight hundred and thirty and who resides in the said county of Mecklenburg. And the said John Campbell further deposeth and saith that he knew Hannah Alexander deceased, that she was a sister of the said John Parks deceased that she was the wife of Oswald Alexander by whom she had several children, to wit, Sarah S Alexander born first March one thousand eight hundred and ten and married to Silas Alexander. John P Alexander born March one thousand eight hundred und twelve and died in December one thousand eight hundred and thirty-three. Thomas Scott Alexander born February one thousand eight hundred and fourteen. Samuel P Alexander born twelfth July one thousand eight hundred and sixteen. Charles N Alexander born twenty-third October one thousand eight hundred and eighteen and died in infancy and before the said John Parks deceased. Mark Alexander born the twenty-fifth February one thousand eight hundred and

twenty-one, and several other children who died very soon after there respective births and before the death of the said Jno Parks. And further deposeth and saith that the said Ellen C Moore Sarah S Alexander and Thomas Scott Alexander are respectively complainants in this suit.

And the said David Parks deposeth and saith that he received from E. L. Smith and Henry N. Allen executors of John Parks deceased three thousand dollars and that he has paid as per vouchers exhibited the total sum of three thousand dollars principal sum (to wit) to Thomas Alexander one hundred and forty four dollars and forty six cents—To Wilson Parks guardian of Hannah C. Parks Sarah I. Parks, Jane C. Johnston, John M. Johnston and Margaret Johnston one thousand and eleven dollars and twenty two cents—To Silas Alexander administrator of John P. Alexander, one hun dred and forty four dollars forty six cents. To James A. Young guardian of Hannah C. Young one hundred and forty four dollars and forty four cents. To Nathan H. Orr guardian of Eleanor Moore and Margaret L. Young one hundred and forty four dollars and forty six cents all which payments were made on the fourteenth November one thousand eight hundred and thirty five. To Robert H. Young eight hundred and thirty-five dollars, August 29th one thousand eight hundred and thirty-four, at which time the principal was due to him, and that on December second one thousand eight hundred and thirty six he paid him nine hundred and twelve dollars and twenty eight cents principal and interest in full being the same debt as per his receipt, and to Silus Alexander guardian of Silas P. Alexander and Mark Alexander, two hundred and eighty-eight dollars and ninety-two cents November fourteenth one thousand eight hundred and thirty five when the principal was due and that on the twenty third November one thousand eight hundred and thirty six he paid him as guardian last aforesaid three hundred and six dollars and twenty four cents principal and interest to that time as per receipt being the same debt.

And the said Joseph Harvey Wilson for himself deposeth and saith that he received from E. L. Smith and Henry N. Allen executors of John Parks deceased ten thousand dollars and that he has paid the total sum of nine thousand nine hundred and ninety-nine dollars seventy-seven cents (to wit) to Silas Alexander administrator of John P. Alexander six hundred and ninety dollars and forty-six cents as guardian of S. P. Alexander, the like sum of six hundred and ninety dollars and forty-six cents as guardian of Mark Alexander, the like sum of six hundred and ninety dollars and forty-six cents, to John Gillen in right of his wife Ellen three hundred and thirty-three dollars and thirty-three cents. To Thomas S. Alexander six hundred and ninety dollars and forty-six cents. To James A. Young, guardian of H. C. Young, six hundred and ninety dollars and forty-six cents. To N. H. Orr guardian of H. L. Young six hundred and ninety dollars forty-six cents. To William Luckey guardian of E. C. Moore six hundred ninety dollars and forty-six cents. To Wilson Parks guardian of Mary Ann Johnston John

M. Johnston Hannah C. Parks Jane C. Johnston Sarah I. Parks Mary A. Parks and Elizabeth L. Parks four thousand eight hundred and thirty-three dollars and twenty-two cents.

DAVID STENSON, JOHN CAMPBELL,
DAVID PARKS, JOS. H. WILSON.

And I the said Samuel M. Comb, judge as aforesaid do hereby certify that I am not of counsel or attorney to either of the said parties nor interested in the event of the said cause. I further certify that the said Edward L. Smith and Henry N. Allen and others have no agent or attorney known to me within one hundred miles of the said town of Charlotte North Carolina the place of taking the said deposition nor do the said defendants reside within one hundred miles of the same place and the notice of the taking of this testimony has for that reason been served on and that the said testimony was reduced to writing by me and by the said witness subscribed in my presence.

SAML. M. COMB,
Judge of Mecklenburg County Court.

In a certain cause pending in the circuit court of the United States of America for the ninth circuit in the southern district of Alabama at Mobile wherein the legatees of John Parks deceased are plaintiffs and Edward L. Smith and Henry N. Allen the executors of said Parks are defendants, I, James H. Orr chairman and judge of the court of pleas and quarter sessions for Mecklenburg county North Carolina at the instance of the plaintiffs in the said suit above entitled have caused David Parks Samuel Parks and Joseph H. Wilson who resides in Mecklenburg county State of North Carolina more than one hundred miles from the said city of Mobile the place of holding said court to come before me at my office in Charlotte North Carolina likewise more than one hundred miles from said Mobile and the said D. Parks S. Parks and Joseph H. Wilson having been by me examined cautioned and sworn to testify the whole truth did depose and say and doth depose and say as follows, to wit: David Parks being first sworn as aforesaid states that in the month of August 1834 whilst in the city of New York he received five thousand dollars from one of the executors of John Parks deceased of Claiborne Alabama—from which of them he cannot now remember which sum was paid out by me to the following persons legatees of the said John Parks deceased to wit to George W. Houston who married Jane Young a daughter of Jane Young deceased a sister of the testator eight hundred and thirty-three dollars, to Nathan H. Orr who married Sally A. Young a daughter of Jane Young deceased a sister of the testator aforesaid eight hundred and thirty-three dollars. To Silas Alexander who married Sarah L. Alexander a daughter of Hannah Alexander another sister of the testator as aforesaid—to Elias Young a son of Jane Young deceased sister as aforesaid—to James A. Young a son of Jane Young deceased sister as aforesaid—each the said sum of

eight hundred and thirty-three dollars, and to Robert A. Young, a son of the said Jane Young deceased the sum of eight hundred and thirty-five dollars.

He further states in the year 1835 in the latter part of the month of August he received three thousand dollars from one of the executors of the said John Parks deceased which he paid over as follows to wit: to William Luckey guardian of Ellen C. Moore a daughter of Cynthia Moore a sister of the testator, to Thomas S. Alexander, a son of Hannah Alexander a sister of the testator, to Silas Alexander administrator of John P. Alexander a son of said Hannah Alexander, to James A. Young guardian of Hannah C. Young a daughter of Jane Young sister to the testator aforesaid, each one hundred and forty-four dollars and forty-six cents—to Nathan H. Orr guardian of Eleanor Moore and Margaret L. Young the former a legatee mentioned in the will the latter a daughter of the said Jane Young the sum of two hundred and eighty-eight dollars and ninety-two cents, and to Wilson Parks guardian of his children and brother of the deceased, to wit of Hannah C. Parks Sarah I. Parks Mary A. Parks Elizabeth L. Parks, and to the said Wilson as guardian of Jane C. Johnston John M. Johnston Mary Ann Johnston infant children of Cynthia Moore a sister of said testator John Parks aforesaid the sum of one thousand and eleven dollars and twenty-two cents—to Silas Alexander guardian of Samuel P. Alexander and Marcus Alexander sons of the said Hannah Alexander two hundred and eighty-eight dollars and ninety-two cents, and to John J. Morris who married Eliza Young one of the daughters of the said Jane Young eight hundred and thirty-three dollars.

He further states that at the time of the payment of the aforesaid sum of five thousand dollars in New York by one of the said executors either Smith or Allen he commenced a conversation with him in relation to moneys due from John Parks estate to the minor heirs and asked him the said executor whether it would not be better that the money due from the executors to the legatees who were minors should remain in Alabama—said executor replied that he thought it would, that the money would be perfectly secure there as they the executors had given good security, and that the money would bring them eight per cent. in Alabama and only six per cent. in North Carolina. And further this deponent saith not.

DAVID PARKS.

Sworn to and subscribed before chairman and judge of the county court Mecklenberg county, N. C.

JAS. H. ORR, *C. & J.*

Samuel Parks being next sworn deposeth and saith that he is well acquainted with the legatees and with the family of the late John Parks deceased of Claiborne Alabama. That the following are the children of Jane Young deceased who was a sister of the said John Parks deceased, to wit, Cynthia Young who was born January 23d, 1798, and died 1823. Mary Young born the 20th April, 1800, and died February 5, 1832. Eliza Young born Sep-

tember 26, 1802. Elias Young born October 11th, 1804. Jane Young born April 2, 1807. James A. Young born April 4th, 1809. Sally A. Young born June 27th, 1811. Robert H. Young born October 18th, 1813. Margaret L. Young born October 25, 1815. Hannah C. Young born August 22, 1821—that the said Cynthia Young was married to Reuben Hood by whom she had three children, to wit, Alexander E. Hood James C. Hood and John J. Hood of whom Reuben Hood is guardian. That the said Mary Young was married to G. W. Houston by whom she had one child, to wit, H. L. Houston of whom James H. Orr is guardian—that the said Eliza Young was and now is the wife of John J. Morris of Alabama that the said Elias Young is now living in Mecklenberg county N. C. that the said Jane Young (the daughter) was married to G. W. Houston (after the death of her sister Mary) and is now his wife, that the said James A. Young lives in Mecklenburg county N. C. that the said Sarah A. Young is the wife of Nathan H. Orr, that the said Robert H. Young lives in Mecklenburg county N. C. that the said Margaret L. Young resides in Mecklenburg county N. C. that the said Hannah C. Young is the ward of James A. Young her regular guardian. Deponent further states that Eleanor Moore a legatee in the will of the said John Parks and the illegitimate child of the said Mary Young now Mary Houston is now the wife of John Gilland of Rowan county N. C. and that the said Eleanor Moore now Eleanor Gilland was born January 23d, 1817. Deponent further states that the following are the children of Cynthia another sister of the said John Parks deceased, to wit, the said Cynthia his sister was married first to Samuel C. Johnston and had by him children as follows: Jane Caroline Johnston born 24th September, 1816, and now resides in Mecklenburg, N. C. John McKamy Johnston born October 11th, 1818, of whom Wilson Parks is guardian. Mary Ann Johnston born December 29, 1820, of whom the said Wilson Parks is guardian, that the said Cynthia was afterwards married to James Moore by whom she had issue as follows, to wit, Ellen C. Moore an infant of whom Wm. Luckey is guardian. Deponent further states that the said John Parks the testator had another sister Hannah who was married to Oswald Alexander by whom she had issue as follows: Sarah S. Alexander born 1st March, 1810, now the wife of Silas Alexander, John P. Alexander born March, 1812, and died since of whom Silas Alexander is administrator. Thomas S. Alexander born February, 1814. Samuel P. Alexander born July, 1816, and Mark Alexander born February, 1821, of whom Silas Alexander is guardian. Deponent further states that the said John Parks deceased the testator had a brother Wilson Parks now alive who had issue as follows, to wit, Hannah C. Parks Sarah J. Parks Mary A. Parks and Elizabeth L. Parks all of whom are infants and of whom the said Wilson Parks their father is the regular guardian. And further this deponent saith not.

SAM'L PARKS.

Sworn to and subscribed before me chairman and judge of the court of pleas and quarter sessions for Mecklenburg county N. C. March 1, 1839.

JAS. H. ORR, *C. & J.*

Joseph H. Wilson being next sworn deposeth and saith that on or about the first day of December, A. D. 1836, he was in Mobile at which time he received from Messrs. Smith & Allen the executors of John Parks deceased ten thousand dollars ($10,000) which fund he distributed according to direction from Mr. Allen among the legatees of said Parks in the following manner, to wit, to Thomas S. Alexander son of Hannah Alexander six hundred and ninety 46-100 dollars ($690 46.) To Silas Alexander as administrator of John P. Alexander deceased a son of said Hannah six hundred and ninety 46-100 dollars ($690 46.) To the said Silas as guardian of Samuel P. Alexander a son of said Hannah six hundred and ninety 46-100 dollars ($690 46.) To the said Silas as guardian of Mark Alexander six hundred and ninety 46-100 dollars ($690 46) a son of said Hannah. To James A. Young guardian of Hannah C. Young a daughter of Jane Young six hundred and ninety 46-100 dollars ($690 46.) To Nathan H. Orr guardian of Margaret L. Young daughter of said Jane six hundred and ninety 46-100 dollars ($690 46.) To William Lucky guardian of Ellen C. Moore daughter of Cynthia Moore six hundred and ninety 46-100 dollars ($690 46.) To Wilson Parks guardian of Mary Ann Johnston Jane C. Johnston John M. Johnston children of said Cynthia and to the said Wilson as guardian of Hannah C. Parks Sarah Jane Parks Elizabeth L. Parks and Mary A. Parks his own children the sum of four thousand eight hundred and thirty-three 22-100 dollars ($4,833 22) to wit, six hundred and ninety 46-100 dollars to each ward, to John Gillen in right of his wife Ellen formerly Ellen Moore three hundred and thirty-three 33 1-3-100 dollars ($333 33 1-3.) And further this deponent saith not.

JOS. H. WILSON.

Sworn to and subscribed before me chairman and judge of the court of pleas and quarter sessions for Mecklenburg county N. C.

JAS. H. ORR, *C. & J.*

And I the said James H. Orr chairman and judge as aforesaid do hereby certify that I am not of counsel or attorney to either of the said parties or interested in the event of the said cause. I further certify that the said defendants have no agent or attorney known to me within one hundred miles of Charlotte N. Carolina the place of taking the said deposition nor are the said defendants within one hundred miles of the same place and no notice of the taking of this testimony has for that reason been served on them or either of

them and that the said testimony was reduced to writing by me and by the said witness subscribed in my presence.

JAS. H. ORR,
Chairman and Judge of the Court of Pleas and Quarter Sessions for Mecklenburg County, N. Carolina.

This deposition was opened by consent of Martin & Alexander and of Gibbons & Fisher on this 25th day of March, 1839.

Attest: DAVID FILES,
Clerk Southern Dist. Alabama.

In a certain matter pending in the circuit court of the United States of America for the ninth circuit in the southern district of Alabama at Mobile wherein the legatees of John Parks deceased are plaintiffs and Edward L. Smith and Henry N. Allen executors of the said John Parks are defendants, I, Thomas Settle one of the judges of the superior court of the State of North Carolina at the instance of the plaintiffs in the said suit above intitled have caused Samuel Parks who resides in Mecklenburg county State of North Carolina more than one hundred miles from the city of Mobile to come before me at Charlotte North Carolina at my office, and the said Samuel Parks having been by me examined cautioned and sworn to testify the whole truth did depose and say, that he is the brother of the late John Parks deceased of Claiborne Alabama and also of Wilson Parks of the county of Mecklenburg aforesaid. That he is well acquainted with the children of his brother Wilson Parks who are part of the legatees of the said John Parks of Claiborne Alabama now deceased that they are four in number and are of the following names and ages, to wit, Hannah Cornelia Parks born December 6th, 1823, Sarah Jane Parks born December 30th, 1825, Mary Ann Parks born October 3d, 1828, and Elizabeth Locke Parks born March 8th, 1831, and that Wilson Parks is the regular guardian of his said four own children. The said Samuel Parks further doth depose and say, that he is well acquainted with the children of his sister Cynthia Moore a sister of the said John Parks deceased and formerly the wife of Samuel C. Johnston deceased. That by the said Johnston her first husband she had issue the following children all of whom are now alive and named and aged as follows, to wit, Jane Caroline Johnston, born the 24th September, 1816, John McKamy Johnston born the 11th of October, 1818, and Mary Ann Johnston born the 29th of December, 1820, and that by her last husband James Moore deceased she had one child now alive and named Ellen Catharine Moore and born August 1st, 1830. He further swears that Wilson Parks his brother aforesaid is the regular guardian of the three first named children of his sister Cynthia Moore by the said Samuel C. Johnston and that William Lucky is the regular guardian of her last above named child Ellen Catharine Moore by the said James Moore deceased. The said Samuel Parks further deposeth and saith, that he is well acquainted with the

number and ages of the children of his sister Hannah Alexander who was also the sister of the said John Parks deceased and that they are as follows, to wit, Sarah S. Alexander born March 1st, 1810, and now the wife of Silas Alexander, John P. Alexander who was born in March, 1812, and who died without issue in 1833, Thomas S. Alexander born February, 1814, Samuel P. Alexander, born 12th July, 1816, and Mark Alexander born 25th February, 1821. He further swears that the said Silas Alexander is the regular guardian of the two last named children of his sister, to wit, of Samuel P. Alexander and Mark Alexander. The said Samuel Parks further deposeth and saith, that he is well acquainted with the children and families of his deceased sister Jane Young wife of James Young, also deceased. That by the said James Young his said sister Jane Young also the sister of the said John Parks deceased had issue as follows, to wit, Cynthia Young born in the year 1798, and died in October, 1823. That the said Cynthia was intermarried with Reuben Hood of said county and had by him the following issue, to wit, Alexander J. Hood James C. Hood and John J. Hood who are all infants and of whom their father the said Reuben Hood is the regular guardian. That his sister the said Jane Young deceased had another daughter, to wit, Mary Young born 20th April, 1800, who had issue before her marriage a natural daughter Eleanor Moore the legatee named in the will of the said John Parks deceased and who is now married to John Gillan of Rowan county of North Carolina, and that the said Mary after the birth of the said Eleanor was married to George W. Houston of said county of Mecklenburg by whom she had issue one child, to wit, Henry L. Houston an infant of whom James H. Orr is the regular guardian—and that the said Mary Young died 5th February, 1832. That the said Jane Young wife of the said James deceased and sister as aforesaid of deponent had another daughter named Eliza Young born 25th September, 1802, and who is now married to John J. Morris. That the said Jane Young his sister aforesaid had another daughter named Jane Young born April 2d, 1807, and is now married to George W. Houston. That the said Jane Young his sister aforesaid had a son named Elias Young born October 30th, 1804, and now living. That the said Jane Young his sister aforesaid had another son named James A. Young born 4th April, 1809, and now living. That the said Jane Young his sister aforesaid had another daughter named Sarah A. Young born June 27th, 1811, and now married to Nathan H. Orr.

That the said Jane Young his sister aforesaid had another son named Robert H. Young born 18th October, 1813, and now living. That the said Jane Young his sister aforesaid had another daughter named Margaret L. Young born October 25th, 1815 and now living—of whom Nathan H. Orr is the regular guardian. That the said Jane Young his sister aforesaid had another daughter named Hannah C. Young born August 22d, 1821, and now living of whom James A. Young is the regular guardian. And the said Samuel

Parks further deposeth and saith that all the legatees herein named reside in Mecklenburg county North Carolina except *except* Elleanor Moore now Elleanor Gillon who resides in Rowan county North Carolina and except the said Eliza and John J. Morris who reside out of the limits of the State of North Carolina and further this deponent saith not.

SAMUEL PARKS.

And I the said Thomas Settle one of the judges of the superior courts of the State of North Carolina at the instance of the plaintiffs in the said suit above entitled have caused David Parks who resides in Charlotte North Carolina more than one hundred miles from the city of Mobile to come before me at Charlotte aforesaid at my office, and the said David Parks having been by me examined cautioned and sworn to testify the whole truth did depose and say and doth depose and say that in the summer of 1834 while in the city of New York he saw Edward L. Smith one of the executors of the late John Parks Claiborne Alabama and after satisfylng him as to his authority to receive the same did receive the sum of five thousand dollars which was duly paid over to the legatees of the said John Parks deceased who were of lawful age—and that in the summer of 1835 he received from Henry N. Allen the other executor of the said John Parks the sum of three thousand dollars. This deponent swears that when he received the said five thousand dollars from the said Smith he and the said Smith had a conversation on the propriety of the executors retaining the moneys they should collect on account of the estate of John Parks deceased in Alabama. The deponent observed to the said Smith that it would be better to do so as in Alabama the funds would draw eight per cent per annum interest whereas in North Carolina they would bring but six per cent. The said Smith agreed to this and observed that it certainly would be better and that the estate was well secured and that the money of the legatees was perfectly safe. He further states that he afterwards received a letter from Smith and Allen executors aforesaid dated January 1, 1835, in which they alluded to this conversation and remarked that in accordance with that understanding they had made their winter arrangements as to money matters and proposed to give their notes for the same (that is the moneys due from said estate) on the first of March, 1835, and further this deponent saith not.

DAVID PARKS.

And I the said Thomas Settle judge as aforesaid do hereby certify that I am not of counsel or attorney to either of the said parties or interested in the event of the said cause. I further certify that the said defendants have no agent or attorney known to me within one hundred miles of Charlotte North Carolina the place of taking the said deposition nor do the said defendants reside within one hundred miles of the same place—and no notice of the taking of

this deposition has for that reason been served on them and that the said testimony was reduced to writing and sworn to before me and by the said witnesses subscribed in my presence this 27th August, 1838.

THOMAS SETTLE, *J. S. C. L. &c.*

Endorsed: Published by order of court 9th April, 1839.
DAVID FILES, *Clerk.*

Smith and Allen's Letter.

CLAIBORNE, *January* 1, 1835.

DAVID PARKS, Esq.:

Dear Sir—It was our determination to have written you soon after the return of our Mr. Smith from New York but we have been so extremely busy that we could not find time. Business with us this season has been better than we have ever known it both in the way of selling goods and the purchase of cotton. Since the return of our Mr. S. from the north we have conversed on the subject of retaining the money which we should probably collect on account of the estate of Mr. Parks say ten thousand dollars and paying interest therefor at the rate of 8 per ct. which you thought as the heirs did not want it would be better than to receive it in North Carolina where but six per cent could be obtained. In accordance with that understanding we have made our winter arrangements as regards money matters. By the first of March we shall be ready to give our notes for the whole sum we will therefore thank you to inform us on the receipt of this to whom we shall make the note payable and whether we shall send it on by mail or wait untill our annual visit to New York—should we send the note by mail we shall wish you to send us receipts from the different legatees to whom the money may be going. We have nothing further to say in this matter —health generally prevails among us—our cotton crops were never more abundant and high prices have been obtained say as high as 16½ cents in this place—it is now on the decline from 12½ to 14 cents—Remember us to all friends and believe us truly your friends.

SMITH & ALLEN.

Second Letter.

CLAIBORNE, *July 28th*, 1836.

Mr. ELIAS YOUNG, NATHAN H. ORR,
GEORGE W. HOUSTON, and others:

We received a letter from Mr. Young dated 4th April last requesting information as to the final settlement of the estate of John Parks deceased also a letter of the 26th April from Nathan H. Orr and others asking for the same information—The derangement of the mail through the Creek nation for the last two months has pre-

vented our answering them sooner. We now take the liberty of addressing all through the medium of one letter presuming it will answer every purpose and be satisfactory. It is impossible for us to say with certainty when said estate will be settled from the fact that some of the largest debts have not as yet been collected. They were put in suit and were in the court house when that building was burnt with its papers. As there was some difficulty in reviving suits of that sort we have waited their pleasure to pay in preference to another suit. These papers amounting to five or six thousand dollars all good will probably in part or all be paid next winter—they are drawing eight per cent interest. The balance of the real estate amounting to about $1,200 we sold last January on twelve months credit, this of course will not fall due untill next winter and perhaps not then paid. We have and shall have by the first of November next fifteen or sixteen thousand dollars ready to be paid over to the proper legatees—we shall probably address you again giving you the precise amount, if not you can inform us in what manner it shall be remitted. We can procure bank checks at one per cent premium which we think is the safest way to transmit money to any section of the country. It is our intention to pay over every dollar we may have collected at that time and so soon as it can possibly be done make a final settlement. With respect to the heirs of the deceased sister of Mr. Young no legal decision has yet been made, it is however the opinion of our attorney that they are not legally heirs to the estate of Mr. Parks—of this you will hear more particularly at a future time—be pleased to shew this to all those interested in this matter at the same time present them our best respects. We shall be glad to hear from you at any time it may be convenient to write. Very respectfuly your friends.

SMITH & ALLEN.

Replication.

CIRCUIT COURT OF THE UNITED STATES,

Ninth Judicial Circuit.

And afterwards to wit on the 4th day of February A. D. 1839 the complainants filed the following replication.

The Legatees of JOHN PARKS, dec'd } In Chancery.
vs.
ED. L. SMITH, H. N. ALLEN. }

Replication.

These repliants saving and reserving to themselves all and all manner of advantage of exception which may be had and taken to the manifest errors uncertainties and insufficiencies of the answer of said defendants for replication thereto saith: That he doth and will aver and maintain and prove his said bill to be true certain and sufficient in the law to be answered unto by the said defendants and

that the answer of said defendants is very uncertain evasive and insufficient in the law to be replied unto by these repliants without that, that any other matter or thing in the said answer contained material or effectual in law to be replied unto confessed or avoided traversed or denied is true; all which matters and things this repliant is ready to aver maintain and prove as this honorable court shall direct and humbly prays as in and by his said bill he hath already prayed.

JAMES MARTIN,
Sol. for Compts.

Endorsed: Filed February 4th, 1839.

DAVID FILES, *Clerk.*

Supplemental Answer.

The Heirs of JOHN PARKS, dec'd,
vs.
SMITH & ALLEN, Executors.

The said defendants for supplemental answer unto the said complainants said bill of complaint or to such part parts thereof as may be material for them to make answer to beg leave to state to this honorable court that in their former answer they then exhibited and set forth a copy of the inventory of the notes receipts accounts &c. of the estate of the said John Parks dec'd which was as these defendants then believed and now believe a correct copy of the original inventory returned to the county court of Monroe county. That in their various exhibits in their former answer set forth is contained all that is material for the equitable settlement of said estate before this honorable court. That said complainants themselves and by their attorneys always expressed to these defendants the utmost confidence in their intelligence and integrity in the management of said estate and the greatest friendship had previous to the institution of the present suit existed between these defendants and the said plaintiffs. That the present suit originated not on account of any neglect or failure on the part of these defendants to pay over moneys of said estate to the several legatees when the same was in their hands but in order and for the express and sole purpose of settling the rights of the legatees who claim from various and some of them from doubtful degrees of relationship to the said John Parks; and these defendants here again repeat what they stated in their former answer that they were warned and notified by some of the present plaintiffs not to pay over any more money to any of the legatees of the said John until it should legally be ascertained who were entitled to receive. That the express and sole purpose of commencing this suit was mutually understood and agreed by and between the complainants and these defendants to be to settle said complainants rights. Now these defendants represent to this honorable court that with this understanding these

defendants supposed that they were to be merely formal parties before this court and continued so impressed until said complainants bill was filed. That after the filing of said bill the charges of concealment of using the funds of the estate and of refusing to pay over money were explained to these defendants by the counsel filing the same to be merely formal parts of said bill and not designed to have any meaning or force. That these defendants filed their answer and exhibits showing their management and the condition of said estate without explaining at full length the various transactions of the particular matters of said estate and without any attempt to disguise or conceal any thing or act of theirs in the execution of said will. And said defendants now shew to this honorable court by way of explanation of these said exhibits, first: That their account current with said estate commenced immediately after the decease of the said Parks, these defendants having been for a long time prior to the death of the said Parks and at the time acting as his agents. That they did not qualify as executors until February 1833 nearly or quite six months after the decease of the said Parks and that the inventory exhibited was taken in the March following consequently all the receipts on their account current up to that date appear on the inventory in the item noted (cash and cash papers.) And the said defendants further state to this court that at the taking of said inventory a large number of debts were placed thereon taken from the old ledger of the said Parks and against persons who long before the death of the said Parks were entirely insolvent or had gone to parts unknown to these defendants. That at the time of filing their former answer these accounts together with several notes appearing on said inventory were neglected to be placed on the list of uncollected balances, not being recollected at the time: as they were matters with which these defendants had not been able to do any thing and had long since been laid aside as entirely useless which said notes and accounts are set forth in an exhibit hereunto annexed and prayed to be taken as part of their supplemental answer. That the notes mentioned on said exhibit are now in the possession of these defendants or receipts for them from attorneys or justices with whom they were deposited for collection but that the accounts still stand upon the old ledger of the said Parks as they were long before his death entirely worthless. And these defendants further state to the honorable court that many other debts noted on the account sales of the personal property of said Parks as well as on the said inventory neither appear upon the account current or upon the list of uncollected balances and for this reason that touching the account sales in many instances the property purchased by the persons marked on the exhibit charged ownership between the time of the same and of giving the note and in such instances where the debt was equally secured the note of the subsequent purchaser was substituted for that of the original purchaser, and when paid was

entered on the account current as the debt of the person who owed the note at the time of payment. And these defendants further state that in some instances similar transactions took place in reference to notes mentioned in said inventory. That when said defendants could save doubtful debts by taking notes of other persons in payment thereof they did so and when said substituted notes were paid they were also placed upon the account current generally in the name of the person owing the debt, and in this way many debts were saved which otherwise would have been lost. And these defendants further represent that their books and memoranda do not show all the transactions of the kind above described these defendants not believing that they would ever be required to account for any thing more than the amount of assets which they had received and that the intermediate negotiations of these defendants in their efforts to save the debts of said estate these defendants had supposed were matters which the tribuual settling their accounts would not wish to inquire into so that the debt was saved to the estate. And these defendants further state to this court that they beg leave to explain the item of (cash and cash papers) above referred to in said inventory, that the same was made up of the cash which the said defendants had on hand at the time of taking said inventory and shown upon their account current previous to that date and of papers received by said Parks in his lifetime for money deposited in bank or money loaned to persons in the vicinity of Claiborne. That these defendants cannot now recollect the precise papers that composed said items but they are confident and distinctly aver that when said papers were paid they were credited to the estate at the day of payment and all appear on the account current shewing the time when paid. And these defendants further show to this honorable court that the estate of the said John Parks was a large estate and at the time of his death was in a very unsettled condition and consequently has required much time and attention from these defendants. That they are convinced that the report of the master as by him reported is substantially correct, and they now submit to this court that it is impossible in any answer which they may file in this honorable court to set out within any reasonable limits fully and distinctly all the matters and things touching each act of theirs in executing said will; that the necessary explanations can be made only by these defendants themselves with their books and vouchers by them kept and preserved. And these defendants therefore pray that if the report now on file should be set aside by this honorable court that their answer and exhibits together with this their supplemental answer may be again referred to the master with leave to examine these defendants touching all the matters in said exhibits set forth in the usual way of examining and settling accounts of this kind and these defendants pray hence to be dismissed with their reasonable costs.

THE STATE OF ALABAMA *Mobile County.*

Personally appeared before me Charles A. Henry a justice of the peace in and for the county of Mobile Edward L. Smith who being duly sworn deposeth and saith that the matters and things set forth in this their supplemental answer are correct and true according to the best of his knowledge and belief as therein set forth, that so much of said answer as relates to the most of the accounts and notes on the exhibit hereunto annexed was omitted in their former answer by mistake, and that the main object of this their supplemental answer is intended to explain their former answer and the exhibits therein contained.

EDW'D L. SMITH.

Subscribed and sworn to before me this 14th day of May, 1838.

CHARLES A. HENRY, *J. P.*

A. P. Bagby note	$634	44	M. A. Godbold and others notes
Wm. A. Brown	8	69	substituted.
Do do	1	63	
H. G. Davis note	32	36	other notes substituted.
Do do do	12	00	
Do do do	19	60	
Hill & Sampson	25	65	balance of a note uncollected.
Dubose & Mann, Jus. Rect.	30	00	Wm. J. Dubose substituted.
John McConnell	33	81	Choctaw nation in the hands of Mr. Doty.
M. Nettles, Jr. note	2	38	no acc. vs. him.
Daniel Roberts	10	00	
Jno. Turbeville	13	66	justice rect.
James Turbeville	48	35	do do
John J. Thames	24	15	do do
Do do	20	57	do do
Do do	16	62	do do
John T. Houston	37	22	paid by his mother.
Wm. B. Travis' notes	160	43	Salter & McMillan with other notes rec'd of Wm. M. Cate.
James Boatright note	48	82	Abner Aldredge's note we believe was substituted.
Saml. Andrews' note	49	00	Choctaw.
Richard H. Rivers, ex'r.	14	32	credited on acc. current 15.
Jonath'n Abney, acc. 1830,	63	00	acc. 1830.
Jas. A. Butler,	15	75	acc. 1830.
John Beard,	4	31	" "
Nancy Clark	5	25	acc. 1829.
Littlebury Chisolm	2	00	" 1830.
Roland Dunn	5	85	" "
Bryan Deese	30	26	" 1829.
West C. Donald	32	13	" 1830.
David English	3	41	
Estate of Thomas English	1	50	acc. 1830.

Skiles Foster	7	80	acc.	1830.
Chas. A. Foster	100	97	do	"
Edwin Long	2	00	do	"
John Lynch, jr.	13	69	"	"
Wm. Martin	62	68	"	"
Mess. L. & D. Patton	29	70	"	"
James Ramby	12	00	"	"
Douglas Stark	10	00	"	"
Wm. Snell	2	00	"	"
Wm. B. Travis	56	55	"	"
Allas Vinson	15	70	"	"

THE LEGATEES OF PARKS *vs.* SMITH & ALLEN, EX'RS. } April Term, 1837.

Thc counsel for the complainants and respondents consent that this cause be referred to the master in chancery to take an account and that he give 60 days notice of the time and place of taking such account and it is agreed the defendants be examined on oath as to uncollected balances and that both parties have leave to take testimony.

JAMES MARTIN, L. G. GIBBONS.

And afterwards to-wit: at a circuit court of the United States for the ninth judicial circuit and southern district of Alabama at a term thereof begun and held in and for said district at Mobile on the second Monday of April in the year of our Lord one thousand eight hundred and thirty-seven before his honor William Crawford judge of said court the following proceedings were had to wit:

Order.

By consent of parties filed of record it is ordered by the court that the master in chancery take an account in this cause and make resport at the next term and that the cause be continued.

Report.

At rules held on the first Monday of September in the year of our Lord 1837 at the United States court room in the city of Mobile and southern district of Alabama.

THE HEIRS AND LEGATEES OF JOHN PARKS, dec. *vs.* EDWARD L. SMITH and HENRY N. ALLEN, executors of JOHN PARKS, dec.

Pending in the circuit court of the United States for the ninth judicial circuit of Alabama and referred at April term, J837, to David Files clerk and master in chancery in said court to report at October term, 1837.

After giving sixty days notice of the time and place I was attended by James Martin, Esq. one of the solicitors for complainants, and by Lyman Gibbons, Esq. one of the solicitors for respondents, by Edward L. Smith and Henry N. Allen executors of John Parks deceased, defendants in the above cause and after swearing said executors on the holy evangelist of Almighty God did in the presence of the aforesaid solicitors proceed to examine them touching the matters referred and after examining the bill answer and exhibits I do hereby make the following report to the court aforesaid viz. That there came into the hands of the said Smith & Allen executors as aforesaid in notes cash accounts and other evidences of debt the sum of thirty-two thousand four hundred and four 83-100 dollars and personal estate valued at nineteen hundred and seven 82-100 dollars as will more fully appear by Exhibit B annexed to and made a part of the answer of said executors and to which reference is hereby made. That in an account current rendered by executors and hereby found to be correct they admit the receipt of thirty-seven thousand eight hundred and ninety-two dollars forty-one cents which sum is made up as follows viz. twelve hundred and fourteen 4-100 dollars proceeds to the sale of testators real estate thirty-three hundred and fifty-five 52-100 dollars proceeds of personal property of deed and thirty-three thousand three hundred and twelve 85-100 dollars in cash exclusive of the sum of eight thousand six huudred and two 93-100 dollars in notes receipts and other evidences of debt now remaining in the hands of said executors and not collected which will more fully appear by reference to exhibits D and E annexed to respondents answer and made a part thereof. That two claims by respondents one for fees charged by them as auctioneers while they were acting as executors for the sum of two hundred and twenty-eight 97-100 dollars and the other for $500 for extra services from January 1832 to date are disallowed. That the following credits are allowed viz. as payments to the heirs and legatees of said Parks—James Young's notes for two hundred dollars which complainants solicitors agreed to receive as so much cash—John P. Alexanders account for $357 99 with Smith and Allen allowed as so much cash paid to the said John P. who was one of the distributees of the estate of the said John Parks deceased. The sum of nineteen thousand nine hundred and ninety-eight dollars as appears by Items 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. and 12 of exhibit F attached to and made a part of respondents answer—The sum of six thousand four hundred and seventy dollars 11-100 payments made on the account of the estate generally as will more fully appear by reference to vouchers numbered from one to fifty-six now on file—The sum of forty dollars being charged for H. N. Allens detention at Charlotte N. C. and for stationary the sum of seven hundred and seventy-two 21-100 dollars as will more fully appear by reference to voucher K, annexed to respondents answer. The sum of two thousand two hundred and seventy-three 16-100 dollars being commissions at 6 per

cent. on the moneys collected and disbursed. That there are notes accounts and other evidences of debt in the hands of said executors not collected to the amount of eight thousand six hundred and two dollars which the said executors on oath have declared to be good doubtful and bad according to the following list of each viz. Debts due the estate of John Parks deceased which are good. Wm. J. Bettis $11 38 John Oliver $46 00 Martin Greer $4 81 Simon P. Gray $249 67 S. P. Gray $20 S. P. Gray $8 12 S. P. Gray $17 S. P. Gray $3 40 S. P. Gray $3 68 S. P. Gray $2 19 Benj. Huntt $175 14 Benj. Huntt $42 26 J. F. Lovet $438 91 Richard S. Moore $495 20 J. D. Roach $25 76 J. D. Roach $ J. D. Roach $25 76 J. D. Roach $20 72 J. H. Schrochbel $25 00 Wm. H. Simpson $476 Wm. H. Simpson $455 S. P. Gray $19 80-100 J. W. Moore $1,081 63 Jno. Mooie $114 67 H. W. Taylor $230 22 D. C. McCuskey $55 28 J. W. Moore $219 00 J. W. Moore $87 23 Jno. Moore $98 00 John Filles $13 54. Debts due the estate of John Parks deceased which are doubtful. M. Nettles jr. $33 68 F. H. Porter $39 91 J. P. Portis $63 94 Robt. Alstock $4 93 Geo. McGill $33 63 J. A. Stevens $17 12 Samuel Bradford $129 77 William Huntington $29 83 Wm. Huntington $11 82 Jesse Felder $34 45 Wm. Mason $219 39. Debts due the estate of John Parks deceased which are bad J. Canterlene $7 00 D. Crap $7 60 S. H. DeWolf $3 25 Wm. Haynes $32 07 R. McIntosh $42 22 A. M. Corkell $3 56 Wm M. Connell $185 80 R. H. Rivers $15 00 R. H. Rivers $6 75 J. Sparks $11 62 J. Sparks $13 50 William Wiggins $2 85 S. Thames $62 00 C. O. Foster $254 38 W. Sawyer $2 75 J. B Hover $17 00 Wm. C. Herring $4 03 Wm. Powell $2 50 D. A. Byrum $31 12 Wm. H. Moore & Co. $107 75 T. M. Connell $74 58 T. M. Connell $57 31 E. Long $3 12 B. Nettles $109 15 B. Nettles $39 63 Wm. M. Nicholson $73 34 G. Conback $13 69 R. Kennedy $52 27 J. B. Kennedy $6 00 B. P. Huntington $42 00 D. Pannell $10 00 J. B. Longdon $7 38 J. Mallard $8 00 J. N. Brown $34 68 D. M. Laren $7 90 J. McLeod $10 25 Estate of W. B. Patton $39 20 D. M. Laren $21 50 A. Call and A. Erwin $18 09 W. Sawyer and J. Scoggins $91 24 J. C. Godbold $157 25 J. Turberville $355 14 Jas. Young $159 18 S. Coleman $17 56 Js. Scoggins Jr. $37 50 N. Murphey $39 45 J. Hails $5 54 W. T. Canty $17 82 B. Cabell $27 74 D. C. Thompson $25 39 D. M. Callum $14 87 R. Hancock $21 46 N. Futrel $14 63 N. McArn $33 30 D. C. Thompson $25 33 J. D. Stewart $29 38. That the debts due said estate, which are good and not collected, amount to the sum of fifty-five hundred and twenty-eight dollars 18 cents. That the doubtful debts due said estate amount to the sum of six hundred and sixteen dollars 47 cents. That the bad debts due said estate amount to the sum of twenty-four hundred and fifty-eight dollars 28 cents. That the debts due by Simon P. Gray, which in the aggregate amount to the sum of twenty-two hundred and eighty-four dollars 82 cents, are in the hands of the said Henry N. Allen and Edward L. Smith, as ad-

ministrators of said Simon P. Gray now dec'd. to be administered. That after deducting all credits and payments in favor of said executors there remains in their hands in cash, the sum of seven thousand seven hundred and ninety-five dollars twenty one cents, exclusive of the amount due by Simon P. Gray in their hands as his administrators, and other good, doubtful and bad debts reported as above.

DAVID FILES,
Clerk and Master in Chancery.

September 12th, 1837.

Jas. Young's Note.

CHARLOTTE, 5 *April*, 1831.

$200. One day after date I promise to pay to Mr. John Parks or order two hundred dollars for value received in cash.

JAMES YOUNG. [L. S.]

TEST: GEORGE CRAYS.

Exceptions.

THE LEGATEES OF JNO. PARKS, dec.
vs.
THE EXECUTORS. } In Chancery.

Exceptions taken by complainants to the report of David Files, Esq. clerk and master in chancery, made ——— day of ——— 1837. For that the said clerk and master has in and by his said report stated that in account current hereby found to be correct, they the said executors admit the receipt of 37,892 dollars 41 cents, which sum is made up of the following items: 1,214 dollars 40 cents, proceeds of the testator's real estate; 3,355 dollars 52 cents, proceeds of the sale of personal property of the deceased and 33,312 dollars 85 cents in cash, exclusive of the sum of 8,602 dollars 93 cents in notes, receipts and other evidences of debt, now remaining in the hands of said executors and not collected, which will more fully appear by reference to exhibits D and E annexed to respondent's answer and made a part thereof. But the said clerk and master has not stated and set forth that respondents by their said answer admit as true an inventory of said estate returned by them to the county court of Monroe county, in March, 1833, a copy of which is annexed to said answer as exhibit B and made a part thereof. Nor has the said clerk and master in his report stated and set forth that respondents admit in their answer as true a list of uncollected balances of notes, receipts and accounts as contained in exhibit H, annexed thereto and made a part thereof. And the said clerk and master has not stated and set forth in his

report that in and by the inventory, exhibit B, there appears a large number of items, of notes, receipts and accounts due the estate of their testator *prima facie* good, amounting to the sum of five thousand dollars and upwards, which are neither accounted for in the account current exhibit E, nor in the list of uncollected balances exhibit H, nor has *has* the said clerk and master in his said report stated that in the account current there is contained a large amount of assetts of the estate of John Parks, dec. to wit: the sum of 5,000 dollars and upwards, which is not set forth in the inventory aforesaid and which were proper to have been contained therein, and that in said account current bearing date in 1835, are contained a large amount of debts due the estate which are likewise set forth in the inventory, but in the former the amount of those debts are increased by the interest accruing after 1832, and by the credit side of said account containing the gross amount, and the debit side containing the several payments and interest made to Parks in his life time, as an example, George Crap's debt as set forth in the inventory is $83 55 cents, but in the account current the same is set forth on the debit side as $243 90 cents, and on the credit side as $260 80 cents, thereby encreasing the account current beyond the inventory in the sum of $176 25 cents in that single debt. The clerk and master has not in his report set forth that on the credit side of the account current a large amount to wit upwards of 8,000 dollars appear in favor of the estate composed of items not in the inventory but which were proper to have appeared therein and of items increased in the way the debt of George Crap was as above set forth without in any manner accounting for the sum of $5,000 and upwards appearing on the inventory as aforesaid nor has said clerk and master charged the executors with said $500 and upwards in his report as he should have done.

Second Exception.

That the clerk and master in his report has stated that the debts due by Simon P. Gray and which in the aggregate amount to the sum of twenty-two hundred and eighty-four dollars 82 cents and in the hands of the said Henry N. Allen and Edward L. Smith as administrators of said Simon P. Gray now deceased to be administered. But said clerk and master has not in his report set forth that they said Allen & Smith become the administrators of said S. P. Gray deceased in the year 1832 and that as administrator they have had and at this time possess assets of their intestate estate more than sufficient to for the payment of said debt nor has he in his report expressly charged them with the payment of the said sum and the interest thereon.

Third Exception.

That the clerk and master in his report has stated that the debts due the estate of J. Parks deceased which are good and

not collected amounting to the sum of fifty-five hundred and twenty-eight dollars 18 cents including the debts due by the estate of S. P. Gray. But he has not stated that said debt were due said estate at the time respondents assumed the executorship thereof, that they had full knowledge of them, that each individual owing was entirely able to pay and by the application of of ordinary diligence they might have been long since collected nor has he in his report charged the respondents with these debt and the interest thereon.

Fourth Exception.

The clerk and master in his report states that debts due the estate of John Parks deceased which are doubtful are M. Nettles &c. and that amount to the sum of six hundred and sixteen dollars 47 cents. But he has not stated each of those debts might have been collected by respondents by the use of ordinary diligence nor has he charged them with the amount.

Fifth Exception.

The clerk and master in his report states that the debts due the estate of J. Park which are bad are among others Wm. H. Moore & Co. $107 75 T. M. Connell $74 58 T. M. Connell $57 31 J. Scroggins 91 24 J. C. Godbold $157 25 J. Hail $554 and W. Mason. But he has not stated that thosedebts might have been collected by ordinary diligence nor has he charged them with the amount.

Sixth Exception.

The clerk and master in his report states that the following credits are allowed to respondents to wit the sum of $2,273 sixteen cents being commission at 6 per cent on moneys collected and disbursed but the clerk and master has not stated in his report that said respondents have had in their possession in actual cash a sum varing from eleven thousand dollars to the sum of twenty-four thousand dollars belonging to the estate of John Parks deceased and thereby have made use of these funds without in any manner accounting for the interest from September 1832 up to the present time, and are still using them. He has not stated that at the time they proved the will in September 1832 then came into their possession in cash the sum of eleven thousand which was a part of the estate amounting in the gross to the sum of $50,000 or thereabouts. That the debts of every description including credits entered on notes and judgments and accounts upon which there were balances due the estate amounting to the sum of $6,470 that the assets of the estate were received and described as the following table sets forth.

Assets received by Executors.		Disbursem'ts made by the same.	
Sept. 1832, cash on hand -	$11,000	24th Aug't 1833, payment to legatees -	$2,000
Jan'ry 1833, cash in executors hands -	20,500	Debts of every description	6,470
Aug't 1833, deduct disbursements -	8,470	Total disbursements to this date - -	8,470
Net bal in Aug't 1833 -	12,030	29 Aug't 1834, to legatees	5,833
		28 Aug't 1835, to legatees	2,167
		Nov. 1836 to legatees	10,000
April 1834, at the expiration of 18 months cash in executors hands - -	20,500		
29 Aug't 1834, deduct payment to legatees	5,833		
Nett bal 29 Aug't 1834	14,667		
Jan'y 1835, cash in the hands of the exe'r	23,000		
28 Aug't 1835, deduct payment to legatees	2,167		
	$20,833		
Jan'y 1836, cash in the hands of the exet'r	23,617		
Nov. 1836, deduct payment to legatees -	10,000		
Nett bal Nov. 1836 -	$13,617		

There are but two items of disbursements the one to J. P. Alexander of $357 and the other to James Young the former of which should be added to the payments to the legatees, the latter the clerk and master has not stated should await further proof. The clerk and master in his report has not charged the respondents interest on those large balances in cash in their hands uncollected for by them.

Seventh Exception.

That the clerk and master in his report has stated the account current as correct but he has not stated that the estate is charged therein witht he sum of $500 as commissions to James Dellett Esq. at 5 per cent. upon $10,000 which said sum is returned by the executors upon their list of uncollected balances.

Eighth Exception.

That the clerk and master in his report debits the estate with the sum of $50 per month for nineteen months as due to Edward L. Smith one of the respondents attending to the business of John Parks in his lifetime but has not stated that in his answer the said respondent avers that he was engaged in said business five or six months and while thus engaged he was managing and in part conducting the store of himself and his partner nor has he stated that $300 would have been an ample compensation for the services rendered.

Ninth Exception.

That said clerk and master has not stated that in the charge made against the estate of said John Parks as debts due to the estate of Ovid Cowles and H. M. Abney there is an error made against the estate of said Parks of $1,000 or thereabouts in all which particulars the said complainants doth except to the said masters report and humbly appeal thereupon to the judgment of this honorable court.

MARTIN & ALEXANDER.

Endorsed: Exception to the masters report filed 4th Oct. 1837.
DAVID FILES, *Clerk.*

Order of Court.

And afterwards to wit at a term of the circuit court of the United States for the ninth judicial circuit and southern district of Alabama begun and held in and for said district at Mobile on the second Monday of April in the year of our Lord one thousand eight hundred and thirty-eight before their Honors John McKinley presiding judge and William Crawford judge of said court the following order was had. This case coming on to be heard upon the masters report and exceptions but were not divided and it appearing by the said report that the sum of seven thousand seven hundred and ninety-five dollars twenty-one cents was at the time of taking said report in the hands of said executors on motion it is ordered adjudged and decreed that the said Edward L. Smith and Henry N. Allen executers of John Parks deceased pay into the office of the clerk and master of this court the sum of seven thousand seven hundred and ninety-five dollars and twenty-one cents and that execution issue for the same upon application by complainants. It is further ordered by the court that the money when received be placed on special deposit in the Branch Bank of the State of Alabama at Mobile subject to the order of this court. It is further ordered by the court that the matter be again referred to the clerk and and master to take an account from the proofs and exhibits in the case and that he set forth the interest account of receipts and payments charging interest after six months from the receipts of

the funds. It is further ordered that complainants have leave to amend their bill by making Samuel P. Alexander and Mark Alexander minors under twenty-one years of age by their next friend James Martin the said minors being children of Hannah Alexander the sister of John Parks deceased each of said minors being in full life at the death of Parks a party complainants and that they be stricken from the bill as defendants, and that said complainants have leave to amend their bill by making Elias Young one of the children of Jean Young mentioned in Parks will a party complainant and that he be stricken from the bill as a party defendant and on motion of defendants they obtained leave and filed a supplemental answer to which the complainants may except within sixty days. The rules to be observed in taking the account to be the same as on former reference and that the executors produce all books and papers belonging to said estate when required so to do.

Order requiring Specie.

PARKS'S HEIRS
vs.
PARKS'S EXECUTORS. } In Chancery.

The clerk and master will receive in this case no funds that are not of the value of specie.

MARTIN & ALEXANDER.

MR. DAVID FILES, May 16th, 1838.

Petition.

To the honorable the Circuit Court of the United States for the Ninth Judicial Circuit and Southern District of the State of Alabama in chancery sitting:

The petition of Edward L. Smith and Henry N. Allen executors of the last will and testament of John Parks respectfully represents that at the last term of this honorable court an order was made by your honors that your petitioner should pay over into this court the sum of which by the proceedings in this cause on file appears to be in their hands to the credit of the estate of the said John Parks deceased. Your petitioners further represent that they received the said sum of money in the currency of the State of Alabama to wit the bank notes of the Bank of the State of Alabama or its branches—that he have always been ready and willing to pay over whatever funds have come to their hands from said estate to the parties entitled to receive the same but that by reason of sundry disputes among the heirs and legatees of the said John Parks your petitioners could not with safety to themselves pay over the said funds so as aforesaid appearing to be in their hands without a legal distribution thereof by *by* your honorable court. Your petitioners further represent that the solicitors of the complainants have

given orders to the marshal of your honorable court to collect the execution issued or to be issued on said suit above mentioned either in the specie currency of the United States which as your petitioners beg leave respectfully to represent to your honors will subject your petitioners to a great loss without the intervention of your honors for their protection by reason of the depreciation of the currency of the banks aforesaid. Your petitioners further represent to your honors that they have made a tender of the said sum of so as aforesaid required to be paid over to the master of this honorable court in the currency of the banks aforesaid but that the said master conceiving himself to be bound by the instructions of the said solicitors refused to receive the same unless paid in the specie currency aforesaid. Now your petitioners represent that they are without default in having the said fund in hands the same having been withheld from the said heirs and legatees only because of their disputes as to their several rights, and notices consequently given to your petitioners not to pay over—and further that they are guiltless of any wrong in accepting the said fund in what was at the time of its receipt the currency sanctioned by the laws of Alabama, and the subsequent depreciation of which is without any contrivance or wrong of your petitioners. And your petitioners submit that if without fault they are ready and willing to pay over into this court this fund as they received it which they hereby tender themselves to do they do full and perfect equity in the premises and they pray your honors to direct that the same may be received by the master in notes of the Bank of the State of Alabama or its branches or that if specie be required the cost of procuring the same may be charged and chargeable on said fund.

GIBBONS & FISHER,
Solicitors for Petitioners.

STATE OF ALABAMA, *Mobile County, ss.*

Edward L. Smith one of the petitioners above named being duly sworn says that the facts set forth in the above petition are correct and true.

EDWARD L. SMITH.

Sworn to and subscribed before me this 16th June, 1838.
CHARLES A. HENRY, *J. P. M. C.*

Upon a deposit of the amount set forth in the foregoing petition in notes of the Bank of the States of Alabama or its branches with the clerk and master he will forbear to issue an execution against the said petitioners until the question whether they be liable to pay the said amounts in specie shall have been decided by the said circuit court.

WM. CRAWFORD,
Judge of the United States.

June 21st, 1838.

Endorsed: Petition of Ed. L. Smith and Henry N. Allen, filed 21st day of June, 1838.

DAVID FILES, *Clerk.*

Fi. Fa.

UNITED STATES OF AMERICA, *Circuit Court of the United States, For the Ninth Judicial Circuit Southern District of Alabama.*

The President of the United States to the Marshal of said District, greeting:

You are hereby commanded that of the goods and chattels lands and tenements of Edward L. Smith and Henry N. Allen as executors of John Parks deceased the sum of seven thousand seven hundred and ninety-five dollars 21 cents with interest from 12 September, 1837; which Wilson Parks, Samuel Parks, Silas and Sarah T. Alexander, Silas Alexander administrator of J. P. Alexander, Thomas S. Alexander, Nathan and Sarah A. Orr, James A. Young, Robert H. Young, George Ward, Jean Houston, John Gelliam and Ellen his wife, and Hannah C., Mary A., Sarah J., Elizabeth L. and Elizabeth L. Parks, John M. Johnson, John C. Johnson, Mary Ann Johnston, Elizabeth C. Moore, Margaret L. Young, and Hannah C. Young, by their next friend James Martin, at a term of said court begun and held on the second Monday in April, 1838, have recovered by interlocutory decree in chancery for debt in their hands of the estate of John Parks deceased their testator and belonging to the said complainants on payment of the above sum of money you the said marshal will retain the sum of one hundred and sixty-eight dollars 51 cents for costs and charges which have accrued already in said cause as appears of record and that you have the said sum of money before the said circuit court on the second Monday of October next at the place of holding said court at Mobile to render to the said complainants of the decree aforesaid and have you then and there this writ.

Witness the honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, this second Monday of April, in the year of our Lord one thousand eight hundred and thirty-eight.

Issued the fourteenth day of June, in the year of our Lord one thousand eight hundred and thirty-eight.

Attest: DAVID FILES, *Clerk,*
Southern District Alabama.

Return.

Received in office, 14th June, 1838.—Specie or its equivalent is required to be collected by the marshall.

MARTIN & ALEXANDER.

The marshal will levy for seven thousand seven hundred and ninety-five dollars 21 cents with interest and retain costs in his hands. DAVID FILES, *Clerk.*

Upon a deposit of the amount set forth in the foregoing petition in notes of the Bank of the State of Alabama or its branches with the clerk and master he will forbear to issue an execution against the said petitioners until the question whether they be liable to pay the said amount in specie shall have been decided by the said circuit court. June 21st, 1838.

WM. CRAWFORD,
Judge of the United States.

I David Files clerk of the circuit court of the United States for the ninth judicial circuit and southern district of Alabama do hereby certify that the above is a true copy of an order made by the above named judge of the circuit court of the United States for the ninth judicial circuit and southern district of Alabama in and concerning a certain suit now pending in said court between the heirs of John Parks complainant and Ed. L. Smith and Henry N. Allen defendants.

In testimony whereof I have hereunto set my hand and affixed the seal of the said circuit court at office in the city of Mobile this fourth day of October in the year of our Lord one thousand eight hundred and thirty-eight.

DAVID FILES,
Clerk Southern District Alabama.

Received 17th November 1838 of Smith & Allen the sum of seven thousand seven hundred ninety-five 21–100 dollars as per order of his honor. Wm. Crawford judge of said district court.

R. L. CRAWFORD, *U. S. M.*
By C. CUYLER *D. M.*

Supplemental Report.

THE HEIRS OF PARKS,
vs.
E. L. SMITH & H. N. ALLEN, Exe'rs.

Pending in the Circuit Court of the United States for the Ninth Judicial Circuit and Southern District of Alabama.

Exceptions to masters report filed October term 1837 and at April term 1838 referred back to the master in chancery to report upon the matters excepted to.

I David Files master in chancery to whom the above referrence has been made do state that I appointed the second Monday of July 1838 at the United States court room in the city of Mobile to take a further account and make a supplemental report in the above entitled cause and gave at least thirty days notice of the time and place to Messrs. Martin and Alexander solicitors for complain-

ants and to Messrs. Gibbons and Fisher solicitors for respondents: That on said day no one. That at the instance of complainants solicitors and by consent of solicitors for respondents I postponed the taking an account and making this report until the first Monday in October, 1838. That on said last mentioned day I was attended by counsel on the part of the respondents and by the said Edward L. Smith and Henry N. Allen. That no one attended on the part of the complainants. That I caused the said respondents to procure the books papers and vouchers relating to the estate of the said John Parks deceased. That I examined said Smith and Allen on oath touching the matters referred and that except said books and papers no other testimony was produced before me. That the examination of said books and papers was continued for four days that on the fourth day of said examination I postponed the closing of this report from day to day and time to time until this first Monday in April, A. D., 1839. That I have again examined and compared said account current and the inventory of note, &c., and the account of sales attached to respondents answer as Exhibit D and each of them with the original entries and find that they are correct and that said account current is made up from said account of sales and inventory of notes, &c. That said account of sales was made up after said inventory was completed and is not included therein. That from an examination of said executors and the books and accounts produced relating to the affairs of said John Parks deceased I find every item in the inventory of notes, etc., accounted for or explained. Some are yet uncollected and are mentioned in a schedule of uncollected balances and in a list of attorneys and magistrates receipts hereunto annexed marked (A) and made a part of this report. That the amounts specified in the items of the account current and not mentioned in the account sales nor inventory of notes, etc., is made up by the excess collected and credited in said account current in the following list hereto annexed marked (B) and made a part of this report. That the amount of excess on the list marked (B) is twenty-three hundred and thirty 84–100 dollars including interest and comprising items included in the said inventory etc., and in the said account current. That from an examination of the said Edward L. Smith and Henry N. Allen I find that in adjusting the affairs of their said testator that for the purpose of securing to the estate bad or doubtful debts they frequently exchanged notes and that when a note or claim thus exchanged for was paid they entered the amount and from whom received on the account current without mentioning the original debt (on the inventory or account of sales) which was thus paid.

As to the second and third exceptions I find that the said Smith and Allen are the administrators of the estate of said Simon Peter Gray. That they declared they have used the same diligence in collecting the debts due the estate of the said John Parks that they have in collecting their own: that the debts due by said S. P. Gray's

estate and in their hands as administrators are good, that said debts amount in the aggregate to the sum of fifty-nine hundred and sixty-one 82–100 dollars instead of twenty-two hundred and eighty-four 82–100 dollars as stated in former report viz. one note of eighteen hundred and forty-one 94–100 dollars and interest ten hundred and eighty 59–100 dollars, one other note of sixteen hundred and thirty-eight 82–100 dollars and interest nine hundred and sixty-one 44–100 dollars and four other small claims amounting in the aggregate to two hundred and seventy-six 75–100 dollars and interest one hundred and sixty-two 28–100 dollars. That I have computed interest on the claims due by the estate of Gray up to the 12th day of September, A. D. 1837. As to the fourth exception the said executors stated that they have not been able to collect the debts therein named. As to the fifth exception I have again examined the said executors touching the solvency of the debtors therein named, and they answered on oath that said amounts have not been collected because the parties are insolvent and I do not charge the said amounts to them. As to the sixth exception—the said executors again answered on oath that they have not used the funds belonging to the estate of the testator in their mercantile business but have always been ready to pay the same over to the proper legatees when known. That I do allow the said executors commissions at the rate of six per cent. for collecting and disbursing the funds of the estate of the said John Parks deceased. That I have stated an interest account in obedience to an order of this court at the April term, 1838, as follows: That the interest on the aforesaid sum of thirty-seven thousand eight hundred and ninety-two 41–100 dollars amounts to the sum of eighty-six hundred and ninety five 98–100 dollars and that the principal and interest in the aggregate amount to the sum of forty-six thousand five hundred and eighty-eight 38–100 dollars as will more fully appear from Voucher (C) hereto annexed and made a part of this report. That interest on the aforesaid sum of twenty-six thousand eight hundred and twenty-eight 04–100 dollars (disbursements by said executors) amounts to the sum of fifty-nine hundred and sixty 92–100 dollars and that the principal and interest in the aggregate amount to the sum of thirty-two thousand seven hundred and eighty-nine 01–100 dollars as will more fully appear from Voucher (D) hereunto annexed and made a part of this report. That I have again allowed 5 per cent. to James Dellet, Esq., because he had performed all his duties as attorney in said causes and the money was not collected because John Parks individually stayed the final process of the court and the aforesaid sum of fifty dollars per month to the said Edward L. Smith as a proper compensation for his services. That I have charged said executors with the sum of ninety-three dollars being the amount received from Henry G. Davis. That the estate of John Parks does not appear to have been twice charged with the matters referred to in exception ninth. That after deducting all

credits viz. twenty-six thousand eight hundred and twenty-eight dollars 9 cents and interest thereon fifty-nine hundred and sixty-nine dollars 92 cents and the sum of thirty-one hundred and fifty-eight dollars commissions at 6 per cent. I find that there was due from the said Smith and Allen executors as aforesaid to the said complainants on the twelfth day of September A. D. 1837 the sum of sixteen thousand six hundred and ninety-six dollars 12 cents which said sum is made up as follows viz. seventy-seven hundred and ninety-five dollars 21 cents balance of funds belonging to the estate of John Parks deceased then in their hands as per first report. The debts due by the estate of Simon P. Gray amounting to the sum of thirty-seven hundred and fifty-seven dollars 51 cents and interest thereon twenty-two hundred and four dollars 31 cents, ninety-three dollars collected from H. G. Davis and an interest balance of twenty-eight hundred and forty-six dollars 8 cents. April 1st 1839.

DAVID FILES, *M. C. C. S. D. A.*

A.

Attorneys and magistrates receipts for notes suit Est. P.

Matthew & Bott's rec'pt for C. W. Dumas note		50 72	John Turbeville		13 66
T. B. Bethea's rec'pt for Jno. T. Houston's note		37 22	Jas. Turbeville		48 35
Rob't Stewart note		30 57	S. J. Bagby's rec'pt for N. T. Murphy's note		39 45
Jas. Dellet's recp't for S. P. Gray's note		1,638 82	Jno. Hail's bal.		5 54
John W. Moore's note		1,081 63	W. J. Cantey		17 82
John Moore		412 77	Tho. Bayles		25 48
do do		661 69	D. C. Thompson		25 39
Rec'd on J. Moore's notes credited		959 74	Rob't Hancock		21 46
H. W. Taylor's note		230 22	do do		87 23
Johnson Turbeville note		55 14	John Moore		98 00
D. C. M. Caskey		55 28	Lewis English	69 13	
Jno. W. Moore note		219 00	do do	159 18	
A. Hammond's rec'pt for Jno. Scoggin's note		37 50		$228 31	
J. J. Thames		24 15	Rec'd of L. E.	$208 22	20 09
do do		20 57	Jas. Young note		159 18
do do		16 62	S. P. Gray bal.		341 94
H. Haynes		27 69	Parson's & Cooper's rec'pt		
			W. Sawyer & J. Scoggin's note		91 24
			J. C. Godbold		116 00
			do do		41 25
			S. C. Richardson's rec'pt for D. M. Laurin's note		21 50

J. D. Stewart -	29 38	(S. J. Bagby's recpt.)	
C. Gill - - -	22 20	Nathan Futrell	14 63
do - - -	26 62		338 31
A. Hammond's receipt for Neil McArn's note -	33 59	Amount brought up	5,586 61
D. C. Thompson -	25 33		$5,924 92
	5,586 61		

B.

	Inventory.	Ac. current.	Excess.
Abner Aldridge - - -	33 25	127 04	93 79
S. J. Bagby's notes - -	71 36	131 55	60 19
N. Broughton - - -	93 41	115 91	22 50
M. Bettis - - - -	40 81	65 50	24 69
Geo. Craps - - -	83 55	260 80	177 23
A. B. Cooper - - -	138 79	190 62	51 83
A. Carson - - - -	192 22	462 08	269 86
D. English - - - -	132 68	175 16	42 48
W. J. Grisset - - -	1,077 91	1,429 30	351 39
Asa Hammond - - -	63 67	102 54	38 87
J. B. Colburn - - -	28 94	64 60	35 66
E. Parsons - - - -	729 10	943 12	214 02
S. Packer - - - -	553 63	760 89	207 26
Richard Stephus - - -	5 54	78 83	73 29
Henry Davis - - - -	198 42	276 75	78 33
Jno. Stanton - - -	26 16	59 75	33 59
Neil McArn - - - -	33 59	58 59	25 00
S. Reed - - - -	69 06	121 79	52 73
Daniel Craps - - -	25 52	60 32	34 80
Cash and cash papers - -	9,377 44	9,820 77	443 33
			$2,330 84

C.

By this sum received in August 1832 as per account current - - -	$189 34	
Interest thereon as per order of court to 12 September 1837 - - -		$69 31
By this sum received in November 1832 as per account current - -	1,407 29	

Interest thereon as per order of court to 12 September 1837 - - -		$161 97
By this sum received in December 1832 as per account current - -	$737 18	
Interest thereon as per order of court to 12 September 1837 - - -		250 59
By this sum received in January 1833 as per account current - -	420 48	
Interest thereon as per order of court to 12 September 1837 - - -		139 67
By this sum received in February 1833 as per account current - -	151 16	
Interest thereon as per order of court to 12 September 1837 - - -		49 67
By this sum received in March 1833 as per account current - - -	8,386 97	
Interest thereon as per order of court to 12 September 1837 - - -		2,683 84
By this sum received in April 1833 as per account current - - -	2,339 51	
Interest thereon as per order of court to 12 September 1837 - - -		732 89
By this sum received in May 1833 as per account current - - -	936 06	
Interest thereon as per order of court to 12 September 1837 - - -		286 94
By this sum received in June 1833 as per account current - - -	3,275 15	
Interest thereon as per order of court to 12 September 1837 - - -		982 50
By this sum received in July 1833 as per account current - - -	205 26	
Interest thereon as per order of court to 12 September 1837 - - -		57 47
By this sum received in August 1833 as per account current - - -	57 00	
Interest thereon as per order of court to 12 September 1837 - - -		16 35
By this sum received in September 1833 as per account current - -	294 65	
Interest thereon as per order of court to 12 September 1837 - - -		61 95
By this sum received in October 1833 as per account current - - -	2,863 78	
Interest thereon as per order of court to 12 September 1837 - - -		782 83

By this sum received in November 1833 as per account current - -	892 29	
Interest thereon as per order of court to 12 September 1837 - - -		237 87
By this sum received in December 1833 as per account current - -	228 63	
Interest thereon as per order of court to 12 September 1837 - - -		59 55
By this sum received in January 1834 as per account current - -	303 95	
Interest thereon as per order of court to 12 September 1837 - - -		99 81
By this sum received in February 1834 as per account current - -	407 41	
Interest thereon as per order of court to 12 September 1837 - - -		100 41
By this sum received in March 1834 as per account current - - -	272 95	
Interest thereon as per order of court to 12 September 1837 - - -		65 52
	$22,369 06	$6,839 13
Amount brought over - -	$22,369 06	$6,839 13
By this sum received in April 1834 as per account current - - -	639 18	
Interest thereon as per order of court to 12 September 1837 - - -		149 11
By this sum received in May as per account current - - -	219 13	
Interest thereon as per order of court to 12 September 1837 - - -		49 64
By this sum received in June 1834 as per account current - - -	221 48	
Interest thereon as per order of court to 12 September 1837 - - -		48 63
By this sum received in July 1834 as per account current - - -	583 97	
Interest thereon as per order of court to 12 September 1837 - - -		124 59
By this sum received in August 1834 as per account current - - -	59 91	
Interest thereon as per order of court to 12 September 1837 - - -		12 40
By this sum received in September 1834 as per account current - -	6 21	

Interest thereon as per order of court to 12 September 1837 - - -		1 20
By this sum received in October 1834 as per account current - - -	261 72	
Interest thereon as per order of court to 12 September 1837 - - -		50 65
By this sum received in November 1834 as per account current - -	146 52	
Interest thereon as per order of court to 12 September 1837 - - -		27 44
By this sum received in December 1834 as per account current - -	332 29	
Interest thereon as per order of court to 12 September 1837 - - -		59 76
By this sum received in January 1835 as per account current - -	184 51	
Interest thereon as per order of court to 12 September 1837 - - -		32 07
By this sum received in February 1835 as per account current - -	55 56	
Interest thereon as per order of court to 12 September 1837 - - -		9 33
By this sum received in March 1835 as per account current - - -	596 07	
Interest thereon as per order of court to 12 September 1837 - - -		95 36
By this sum received in April 1835 as per account current - - -	958 12	
Interest thereon as per order of court to 12 September 1837 - - -		146 89
By this sum received in May 1835 as per account current - - -	1,073 22	
Interest thereon as per order of court to 12 September 1837 - - -		245 37
By this sum received in June 1835 as per account current - - -	47 31	
Interest thereon as per order of court to 12 September 1837 - - -		6 59
By this sum received in September 1835 as per account current - -	6 87	
Interest thereon as per order of court to 12 September 1837 - - -		93
By this sum received in October 1835 as per account current - . -	87 93	
Interest thereon as per order of court to 12 September 1837 - - -		9 97

By this sum received in November 1835 as per account current - -	4,820 83	
Interest thereon as per order of court to 12 September 1837 - - -		514 24
	$33,269 89	$8,423 30
Amount brought over - -	$33,269 89	
By this sum received in December 1835 as per account current - -	655 69	
Interest thereon as per order of court to 12 September 1837 - -		65 60
By this sum received in January 1836 as per account current - - -	432 14	
Interest thereon as per order of court to 12 September 1837 - - -		40 29
By this sum received in February 1836 as per account current - -	502 96	
Interest thereon as per order of court to 12 September 1837 - - -		43 85
By this sum received in March 1836 as per account current - - -	441 43	
Interest thereon as per order of court to 12 September 1837 - - -		35 29
By this sum received in April 1836 as per account current - - -	127 04	
Interest thereon as per order of court to 12 September 1837 - - -		9 32
By this sum received in June 1836 as per account current - - -	553 37	
Interest thereon as per order of court to 12 September 1837 - - -		33 18
By this sum received in July 1836 as per account current - - -	29 75	
Interest thereon as per order of court to 12 September 1837 - - -		1 60
By this sum received in August 1836 as per account current - - -	464 24	
Interest thereon as per order of court to 12 September 1837 - - -		21 65
By this sum received in October 1836 as per account current - - -	331 27	
Interest thereon as per order of court to 12 September 1837 - - -		11 04
By this sum received in December 1836 as per account current - -	4 80	

Interest thereon as per order of court to 12 September 1837 - - -		10
By this sum received in January 1837 as per account current - - -	774 25	
Interest thereon as per order of court to 12 September 1837 - - -		10 32
By this sum received in February 1837 as per account current - -	64 60	
Interest thereon as per order of court to 12 September 1837 - - -		44
By this sum received in March 1837 as per account current - - -	240 97	
Interest thereon as per order of court to 12 September 1837 - . -		
	$37,892 40	$8,695 89
	$8,695 98	
	$46,588 38	

D.

To this sum paid in September 1832 as per account current - - -	63 27	
Interest thereon as per order of court to 12 September 1837 - - -		25 20
To this sum paid in December 1832 as per account current - - -	21 75	
Interest thereon as per order of court to 12 September 1837 - - -		8 36
To this sum paid in January 1833 as per account current - - -	67 26	
Interest thereon as per order of court to 12 September 1837 - - -		25 01
To this sum paid in February 1833 as account current - - -	377 69	
Interest thereon as per order of court to 12 September 1837 - - -		138 60
To this sum paid in March 1833 as per account current - - -	141 54	
Interest thereon as per order of court to 12 September 1837 - - -		51 12
To this sum paid in April 1833 as per per account current - - -	560 73	
Interest thereon as per order of court to 12 September 1837 - -		198 23

Tn this sum paid in May 1833 as per account current - - -	318 11	
Interest thereon as per order of court to 12 September 1837 - - -		110 24
To this sum paid in June 1833 as per account current - - -	2,253 22	
Interest thereon as per order of court to 12 September 1837 - - -		800 02
To this sum paid in July 1833 as per account current - - -	30 13	
Interest thereon as per order of court to 12 September 1837 - - -		10 00
To this sum paid in September 1833 as per account current - - -	249 07	
Interest thereon as per order of court to 12 September 1837 - - -		79 68
To this sum paid in October 1833 as per account current - - -	38 75	
Interest thereon as per order of court to 12 September 1837 - - -		10 89
To this sum paid in November 1833 as per account current - - -	9 41	
Interest thereon as per order of court to 12 September 1837 - - -		2 76
To this sum paid in April 1834 as per account current - - -	456 84	
Interest thereon as per order of court to 12 September 1837 - - -		124 92
To this sum paid in June 1834 as per account current - - -	12 63	
Interest thereon as per order of court to 12 September 1837 - - -		3 59
To this sum paid in July 1834 as per account current - - -	18 18	
Interest thereon as per order of court to 12 September 1837 - - -		4 56
To this sum paid in October 1834 as per account current - - -	20 00	
Interest thereon as per order of court to 12 September 1837 - - -		4 53
To this sum paid in November 1834 as per account current - - -	1,095 99	
Interest thereon as per order of court to 12 September 1837 - - -		241 12
To this sum paid in January 1836 as per account current - - -	638 46	

Interest thereon as per order of court to 12 September 1837 - - -		85 03
	$6,373 03	$1,923 86
Amount brought over - -	$6,373 03	$1,923 86
To this sum paid in February 1836 as per account current - - -	7 19	
Interest thereon as per order of court to 12 September 1837 - - -		90
To this sum paid in March 1836 as per account current - - -	17 38	
Interest thereon as per order of court to 12 September 1837 - - -		2 04
To this sum paid in January 1837 as per account current - - -	72 50	
Interest thereon as per order of court to 12 September 1837 - - -		3 84
To this sum paid in July 1833 to Wilson Parks Exhibit F - - -	1,000 00	
Interest thereon as per order of court to 12 September 1837 - - -		333 33
To this sum paid in July 1833 to Samuel Parks - - - -	1,000 00	
Interest thereon as per order of court to 12 September 1837 - - -		333 33
To this sum paid in August 1833 to William S. Alexander - - -	833 00	
Interest thereon as per order of court to 12 September 1837 - - -		272 12
To this sum paid in August 1834 to Elias Young - - - -	833 00	
Interest thereon as per order of court to 12 September 1837 - - -		205 48
To this sum paid in August 1834 to James A. Young - - -	833 00	
Interest thereon as per order of court to 12 September 1837 - - -		205 48
To this sum paid in August 1834 to George W. Houston - - -	833 00	
Interest thereon as per order of court to 12 September 1837 - - -		205 48
To this sum paid in August 1834 to Nathan H. Orr - - - -	833 00	
Interest thereon as per order of court to 12 September 1837 - - -		205 48
To this sum paid in August 1834 to Amigi Young - - -	835 00	

Interest thereon as per order of court to 12 September 1837 - - -		205 48
To this sum paid in August 1834 to J. I. Morris - - - -	833 00	
Interest thereon as per order of court to 12 September 1837 - - -		205 48
To this sum paid in November 1835 balance J. P. Alexander - -	357 99	
Interest thereon as per order of court from 12 September 1837 - -		52 46
To this sum paid in August 1835 to D. Parks' attorney - - -	2,167 00	
Interest thereon as per order of court to 12 September 1837 - - -		339 50
To this sum paid in November 1835 to Joseph H. Wilson attorney - -	10,000 00	
Interest thereon as per order of court to 12 September 1837 - - -		1,466 66
	$26,828 09	$5,960 92
	$5,960 92	
	32,789 01	

Endorsed on the back. Supplemental Report filed 1st April 1839.

DAVID FILES, *Cl'k S. D. A.*

Special Report.

HEIRS OF PARKS
vs.
SMITH AND ALLEN.

In obedience to a special order of his honor the chancellor had at April term 1839 directing the undersigned to ascertain from the testimony who are the legatees referred to in the will of John Parks deceased, I make report as follows that James and Samuel Parks with a special legacy to each of one thousand dollars are brothers to the testator, that Jane Young Sally A. Young Eliza Young Hannah C. Young Margaret L. Young Elias Young, Robert A. Young and James A. Young children of Jane Young and sister of the testator Sarah S. Alexander Silas Alexander adms. of John P. Alexander Thomas Alexander Samuel Alexander and Mark Alexander children of Hannah Alexander Jane C. Johnson, John M. Johnson Mary Ann

Johnson and Ellen C. Moore children of Cynthea Moore a sister of the testator Hannah C. Parks Sarah C. Parks Mary A Parks and Elizabeth L. Parks children of Wilson Parks a brother of testator and Eleanor Moore a daughter of Mary Houston all the other legatees of the said John Parks and are entitled after the payment of the legacies aforesaid to share and share alike of said estate and that James and Samuel Parks appear to have received the said sum of one thousand dollars each. 29th April 1839.

DAVID FILES,
Master in Chancery.

(Endorsed on the back) Special report showing who are the legatees filed 29th April, 1839.

DAVID FILES, *Clerk.*

Exceptions.

And afterwards to wit on the first day of April A. D. 1839 the following exceptions to the master's second report was filed.

HEIRS AND LEGATEES OF PARKS
vs.
EXECUTORS OF PARKS.

On the coming in of the report of the master on the second reference in this cause the defendants except to the said report. First that interest is allowed and charges against said defendants on monies received by them from the said estate. Secondly that the mode of computing the interest in said account is illegal. Thirdly that an item of $1,500 is charged against the said defendants as administrators of the estate of Simon Gray the same having been paid by the said Gray to the deceased Parks in his life time as was made to appear to the said master.

GORDON, CAMPBELL & CHANDLER, and
GIBBONS & FISHER,
For Defendants.

(Endorsed on the back) Exceptions to the second report filed 1st April, 1839.

D. FILES, *Clerk.*

And afterwards to wit at a circuit court of the United States for the ninth judicial circuit and southern district of Alabama begun and held in and for said district at Mobile on the second Monday of April in the year of our Lord one thousand eight hundred and thirty nine before his honor William Crawford judge of said court the following orders were had.

This day came the parties by their solicitors. Whereupon it is ordered by the court that the bills answers exhibits depositions and testimony be referred back to the master in chancery to take a

general account and that he do make a report without referrence to any previous order of the court—referring said cause to him.

It is further ordered by the court that said master in chancery give notice of the time and place of taking said account and that both parties have leave to produce testimony before the master in chancery.

And afterwards at the same term of said court the following order was had. This cause coming on to be heard upon the former order of the court directing the sum of $7,424 82-100 to be paid into the office of the clerk and master and it appearing to the satisfaction of the court that the said sum is now in the hands of the marshal being collected by him under the process of this court.

It appearing further by the report of the clerk and master that all the legatees of the said John Parks deceased are now before the court it is therefore ordered and decreed by the court the defendants' counsel not objecting that the said fund of seven thousand four hundred and twenty-four dollars and eighty-two cents be paid the said legatees in equal proportions.

And afterwards to wit at the same term of the said court the following order was had. It is ordered by the court that this cause be set for final hearing at the next term of this court.

And afterwards to wit on the second day of March in the year of our Lord one thousand eight hundred and forty the clerk and master in chancery filed his report in the words and figures following to wit.

Fourth Report.

THE HEIRS OF PARKS
vs.
SMITH AND ALLEN, Executors.

Pending before the circuit court of the United States for the ninth judicial circuit and southern district of Alabama. In Chancery.

At a term of said court began and held in and for the district aforesaid on the second Monday of April in the year of our Lord one thousand eight hundred and thirty-nine it was among other things ordered that the bill answers exhibits depositions and testimony be referred back to the master in chancery to take a general account and that he make a report without referrence to any previous order of this court referring said cause to him I have from due notice of the time and place of making this report to James Martin Esquire solicitor for complainants and to Messrs. Gibbons and Fisher solicitors for respondents. I have again examined the matters referred back to me and thereupon do make this my fourth report as follows. That the following named persons are legatees of John Parks deceased and are entitled to distributive shares of his

estate as follows, James and Samuel Parks brothers of the testator are entitled to a special legacy of one thousand dollars each and that Jane Young Sally A. Young Eliza Young Hannah C. Young Margaret L. Young Elias Young Robert A. Young and James A. Young children of Jane Young a sister of testator Sarah S. Alexander Silas Alexander as administrator of John P. Alexander Thomas Alexander Samuel Alexander and Mark Alexander children of Hannah Alexander Jane Johnson John M. Johnson Mary Ann Johnson and Ellen C. Moore children of Cynthea Moore Hannah C. Parks Sarah J. Parks Mary A. Parks and Elizabeth L. Parks children of Wilson Parks and Eleanor Moore daughter of Mary Houston are entitled to share and share alike of said testator's estate.

That the said Edward L. Smith and Henry N. Allen are executors of the last will and testament of the said John Parks deceased and are also administrators of all and singular the goods and chattels of Simon Peter Gray deceased and are in possession of assetts sufficient to pay and satisfy the debts hereafter to be named and due by the estate of the said Gray to the estate of the said Parks. That there came into the hands of the said executors the sum of forty-five hundred and seventy-nine 50–100 dollars for the sale of the real and personal estate of said Parks and the further sum of thirty-two thousand four hundred and four 93–100 dollars in notes accounts and other evidences of debt all which will now fully appear by referrence to an account of sales of real and personal estate marked (D) and an inventory of notes accounts and receipts marked (B) attached to and made a part of the answer of respondents.

That the said executors have received in cash or other good consideration and ought to be charged therewith the following sums of money to wit: the sum of thirty-seven thousand eight hundred and ninety-two 41–100 dollars in cash as will more fully appear on referrence to an account current marked (E) annexed to and made a part of respondents answer and the further sum of thirty six hundred and fifty-seven 92–100 dollars being the principal and interest thereon accruing up to the 12th day of September, 1837, of divers amounts in their hands as administrators of Simon Peter Gray deceased: and due to and not credited to the estate of said Parks on their account current herein above referred to, and the sum of ninety-three dollars collected from H. G. Davis during the pendency of this suit and also the further sum of two hundred and forty dollars store rent as will more fully appear from a credit on Exhibit (K) annexed to and made a part of respondents answer amounting in the aggregate to the sum of forty-one thousand eight hundred and eighty-three 33–100 dollars and that said sums of money include Exhibits D and B.

That I have disallowed the following items to wit: for compensation as auctioneers two hundred and twenty-eight 97–100 dollars: for extra services at sundry times in the country five hundred dollars as will more fully appear by reference to Exhibit (I) annexed to and made a part of respondents answer, and the further item of

sixty-two 21–100 dollars auction commissions which items in the aggregate amount to the sum of seven hundred and ninety-one 18–100 dollars.

That I have allowed the following items as credits to the said executors, first payments made on account of debts due by the estate sixty-four hundred and seventy 1–100 dollars as will more fully appear from vouchers Nos. 1 to 56 on file, forty dollars to H. N. Allen for detention &c. and stationary, as will more fully appear from Exhibit (I) annexed to and made a part of respondents answer and the sum of nine hundred and fifty dollars E. L. Smith's salary as clerk from November, 1830, to July, 1832, as will more fully appear from Voucher (K) annexed to and made a part of respondents answer second payments made on account of legacies, James Young's note for two hundred dollars allowed by complainants John P. Alexanders account for three hundred and fifty-seven 99–100 dollars as will more fully appear from Exhibit (G) annexed to and made a part of respondents answer and nineteen thousand nine hundred and ninety-eight dollars for legacies paid at sundry times as will more fully appear from Exhibit F annexed to and made a part of respondents answer; and that the sum of twenty-five hundred and twelve dollars commissions on payments and disbursements; which said sums in the aggregate amount to thirty thousand five hundred and twenty-eight 11–100 dollars.

That there yet remains due the estate of John Parks the following debts viz: the sum of thirty-two hundred and forty-three 45–100 dollars with interest thereon from the first day of July, 1832, which the said executors declared on oath to be good but which had not been collected in consequence of the burning of certain papers in Munroe county Alabama which contained the evidences of said debts.

That said good debts are due by the following persons as follows W. J. Bettis $11 38, John Oliver $46 00, M. Greer $481, Benjamin Hunt two claims $217 40, John F. Lovet $438 91, R. S. Moore $495 20, John D. Roach three claims $95 87, J. H. Schroebel $25 00, Wm. H. Simpson two claims $9 31, John W. Moore three claims $1,387 86, John Moore two claims $212 67, Henry W. Taylor $230 22, D. C. M. Caskey $55 28, John Files $13 54.

And the further sum of six hundred and eighteen 47–100 dollars with interest from the first day of July, 1832, which the said executors declared on oath to be doubtful and which had not been collected and that said doubtful debts are due by the following persons to wit: M. Nettles $33 68, F. H. Portei $39 91, J. J. Portes $63 94, R. Ailstock $4 93, G. M. Gill $33 63, J. A. Stephus $17 12, Samuel Bradford $129 77, William Huntington $39 65, J. Felder $36 45, W. Mason $219 39. And also the further sum of twenty-five hundred and ten 63–100 dollars which the said executors declared on oath to be bad and due by the following insolvent persons to wit: J. Canterline $7 00, D. Crap $7 60, S. & L. De Wolf $3 25, Wm. Haynes $32 07, R. McIntosh $42 22, A.

McKorkell $3 56, Wm. M. Connell $185 80, R. H. Rivers $15 00, R. H. Rivers $6 76, J. Sparks $11 62, J. Sparks $13 50, William Wiggins $2 85, S. Thomes $62 00, C. O. Foster $254 38, W. Sayer $2 75, J. B. Hover $17 00, Wm. C. Herring $4 03, Wm. Powell $2 50, D. A. Bynum $31 12, Wm. H. Moore $107 75, T. M. Connell $74 58, T. M. Connell $57 31, E. Long $3 12, B. Nettles $109 15, B. Nettles $39 63, Wm. M. Nicholson $73 34, G. Coleback $13 69, Reba. Kennedy $52 27, J. B. Kennedy $1 00 B. P. Huntington $42 00, D. Pannell $10 00, J. B. Longdon $7 38, J. Mallard $8 00, J. N. Brown $34 68, D. M. Laren $7 90, J. M. Leod $10 25, Estate of Wm. B. Patton $39 20, D. M. Laren $21 50, A. Call & A. Erwin $18 09, W. Sawyer & J. Scoggins $91 24, J. C. Godbold $157 25, J. Turberville $355 14, James Young $159 18, S. Coleman $19 56, Scoggins Jr. $37 50, N. Murphy $39 45, J. Hails $5 54, W. T. Canty $17 82, B. Cabel $27 74, D. C. Thompson $25 39, D. M. Collum $14 87, R. Hancock, $21 46, N. Futril $24 63, A. McArn $33 50, D. C. Thompson $25 33, J. D. Stewart $29 38.

That I have carefully examined the inventory of notes &c. attached to and made a part of respondents answer as Exhibit (B) the account of sales attached to respondents answer as Exhibit (D) and the account current attached to respondents answer as Exhibit (E) and find them correct.

That I have examined the books vouchers exhibits and said executors touching certain items of indebtedness set forth in said inventory and not credited on the account current and also several credits on the account current not mentioned in the said inventory nor account of sales, and find them to have been caused by an exchange of the notes and accounts named in the inventory which said executors considered doubtful for the notes or accounts of other persons considered solvent and which when so exchanged were credited on the account current without naming the particular debt thus collected. That after an examination of the testimony exhibits and said executors I find they did not use the funds of the estate of the said Parks in their business as merchants or otherwise to their own profit or to receive interest thereon. And that they ought not to be charged with any interest on balances in their hands from the time said balances were received until the 12th day of September, 1837. That after deducting all credits there remained in the hands ~~of~~ said executors and due the aforesaid legatees of the said John Parks on the 12th day of September, 1837, the sum of eleven thousand three hundred and fifty-five 23–100 dollars exclusive of the said sum of thirty-two hundred and forty-three 45–100 dollars with interest, (good debts not collected,) the said sum of six hundred and eighteen 47–100 dollars with interest (doubtful debts) and the further sum of twenty-five hundred and ten 63–100 dollars (bad debts.) That this report is to bear date as of the 12th day of September, 1837.

Report signed on the 2d day of March, 1840, at 12 o'clock, M.

DAVID FILES,
Master in Chancery, C. C. S. D. Ala.

Report. Signed in presence of

GIBBON & FISHER,
Sol's for Respondents.

Notice of the time and place of signing this report served on James Martin Esq. solicitor for complainants and on Messrs. Gibbons & Fisher solicitors for respondent with a copy of this report on the 29th day of February 1840.

DAVID FILES,
Master in Chancery C. C. S. D. Ala.

[Endorsed on the back.] Report of the master in chancery filed 2d March 1840.

DAVID FILES,
Clerk Cir. Court Sou. Dist. of Ala.

And afterwards to wit at a term of the Circuit Court of the United States for the ninth Judicial Circuit and Southern District of Alabama begun and held in and for said District at Mobile on the second Monday of March in the year of our Lord one thousand eight hundred and forty before their Honors William Crawford Judge of said Court the following order was had to wit:

In this cause the complainants filed exceptions to the masters report on the 27th day of March 1840 to the effect following to wit:

The complainants by their solicitors except in part to the report made by the master to this term of the said court in the particulars following that is to say.

Exceptions.

Exception 1st. That the said master in his said report sets forth as follows: The said E. L. Smith and Henry N. Allen are executors of the last will and testament of the said John Parks deceased and also administrators of all and singular the goods and chattels of Simon Peter Gray and are in possession of assets sufficient to pay and satisfy the debts hereinafter to be named and due by the estate of the said Gray to the estate of the said Parks. The said executors received in cash and ought to be charged therewith the following sum of money to wit: the sum of and the further sum of thirty-six hundred and fifty-seven 92–100 dollars (3,657 92–100) being the principal and interest thereon accurring up to the 12th day of September A. D. 1837 of divers amounts in their hands as executors of Simon Peter Gray decd. and due to and not credited to the estate of said Parks on the account current hereinbefore referred to. But the said master has not in his said report calculated the interest upon the principal sum due from the estate of said Gray as aforesaid to the day of March the commencement of the present term of this court.

Exception 2. The said master in his said report sets forth as follows: I have allowed the following items as credits to the said

executors first payments—and the sum of nine hundred and fifty dollars ($950) E. L. Smith's salary as clerk from Nov. 1830 to July 1832 as will more fully appear from Voucher K annexed to and made a part of respondents answer but the said master should have allowed to the said Smith the sum of two hundred dollars only as wages for his services as clerk of said Parks to wit: for the space of four months instead of nineteen months because it appears from the answer of said respondents that said Smith was engaged as clerk four or five months only and from Voucher K it appears his services as clerk commenced in November 1830 and ended 23d of March 1831 when respondents rented the store and commenced business in copartnership.

Exception 3d. The said master in his report sets forth as follows: that there yet remains due the estate of John Parks the following debts viz. the sum of thirty-two hundred and forty-three dollars 45 cents with interest thereon from the first day of July, 1832, which the said executors declared on oath to be good but which had not been collected in consequence of the burning of certain papers in Monroe county Alabama which contained the evidences of said debts—the said debts are due by the following persons W. J. Bettis $11 38 John Oliver $46 00 Wm. Green $4 81 Benjamin Hunter two claims $217 40 John F. Lovet $438 91 R. S. Moore $495 20 John R. Rouch three claims $95 87 J. H. Schwiler $25 Wm. H. Simpson two claims $9 31 John W. Moore $1,387 86 John Moore two claims $212 67 Henry W. Taylor $230 22 D. C. M. Caskey $55 28 John Files $13 54. But the said master has not stated in his said report that the said E. L. Smith and H. N. Allen the executors should be charged with the above mentioned sum and the interest from the first day of July, 1832, to the commencement of the present term of the court because it appears from the answer that these good debts were reduced to judgments in the life time of Parks who died in the summer of 1832 had by him been placed in the hands of James Dellet Esq. an attorney at law for collection to whom said executors paid 5 per cent. commission for the collection of said debts.

Exception 4th. The said master in his said report sets forth as follows: there remains due the estate of the said Parks the further sum of six hundred dollars 47 cents (618 47) with interest from the first of July, 1832, which the said executors declared on oath to be doubtful and which had not been collected and that said doubtful debts are due by the following persons M. Nettles, sen'r $33 68 T. H. Porter $39 41 J. J. Porter $63 94 R. Ailstock $4 93 G. M. Gill $33 63 J. A. Stephens $17 12 Samuel Bradford $129 77 Wm. Huntington $39 65 J. Felder $34 45 W. Mason $219 39. But said master has not set forth in his said report that by the application of ordinary diligence the said debts might have been long since collected by said executors nor has the said master in his said report set forth the evidence relative to these doubtful debts nor has he charged the executors with the payment thereof.

Exception 5th. The master in his report sets forth as follows: after an examination of the testimony exhibits and the said executors I find they did not use the funds of the estate of the said Parks in their business as merchants or otherwise to their own profit or to receive interest thereon and that they ought not to be charged with any interest on balances in their hands from the time said balances were received until the 12th day of September, 1837. But the said master should have set forth in said report that from the bill answer depositions and exhibits in the cause the said executors should be charged with the interest on the balances in their hands at intervals of six months from the time they received such balances until they disbursed the same in the payment of the debts and legacies of said estate.

And said complainants further except to said report in this particular because they say that the said master had no authority to take the examination of the executors relative to the application of the funds of the estate of the said Parks except in relation to the disbursements thereof in the payment of debts and legacies.

JAMES MARTIN, *Plaintiffs' Solicitor.*

Disallowed.

Which the court on motion of defendants' counsel disallowed as not having been taken before the master or filed in the proper time.

And afterwards to wit at the same term of said court begun and held as aforesaid the following order was had to wit:

Order—Decree.

This day came the parties by their solicitors and this cause coming on to be heard upon the bill answer replication proofs and the report of the master in chancery: It is thereupon ordered adjudged and decreed that the said report be in all things confirmed; and it is further ordered adjudged and decreed by the court that the said Edward L. Smith and Henry N. Allen executors as aforesaid do pay to the said Jane Young Sally A. Young Eliza Young Hannah C. Young Margaret L. Young Elias Young Robert A. Young James A. Young Sarah S. Alexander Silas Alexander administrator of John P. Alexander Thomas Alexander Samuel Alexander Mark Alexander Jane Johnson John M. Johnson Mary Ann Johnson Ellen C. Moore Hannah C. Parks Sarah J. Parks Mary A. Parks Elizabeth L. Parks and Eleanor Moore legatees of John Parks deceased the said sum of eleven thousand three hundred and fifty-five dollars 23 cents with interest thereon from the 12th day of September, A. D. 1837. And it is further ordered that they have execution of the said sum of eleven thousand dollars three hundred and fifty-five dollars 23 cents and costs, and that the marshal as soon as he has collected the same forthwith pay the amount

into court to be distributed among said legatees according to the future order of the court. That as to the residue of the debts due the estate of John Parks deceased and not collected it is ordered and adjudged by the court that as soon as the said executors shall succeed in the collection of the same or any part thereof that they do pay the amount into court for distribution to be made under the direction of this court. The complainants' solicitor acknowledges the receipt of the sum of seventy-seven hundred and ninety-five dollars 21 cents which is to be credited on the above decree as a payment made on the 18th day of November, A. D. 1838.

And afterwards at the same term of said court began and held as aforesaid the following order was had. This day came James Martin Esq. into open court and prays an appeal from the decree of the court pronounced at this term to the Supreme Court of the United States and tendered a bond to respond costs in the Supreme Court of the United States executed by the said James Martin as principal and John Bragg as security whereupon it is ordered by the court that said appeal be granted and that said security be approved of.

I, David Files, clerk of the circuit court of the United States for the ninth judicial circuit and southern district of Alabama do hereby certify that the above and beforegoing papers contain a full true and perfect exemplification of the record and proceedings in a certain suit lately pending and determined before said court on the chancery side thereof, wherein the legatees of John Parks deceased were complainants and Edward L. Smith and Henry N. Allen were respondents.

In testimony whereof at office in the city of Mobile I have hereunto set my hand and affixed the seal of said circuit court this tenth day of April in the year of our Lord one thousand eight hundred and forty.

[L. S.]

DAVID FILES,
Clerk C. C. So. Dist. Ala.

I, David Files, clerk of the circuit court of the United States for the ninth judicial circuit and southern district of Alabama do hereby certify that the fee due the clerk for the foregoing transcript is two hundred and two dollars 86 cents.

In testimony whereof at office in the city of Mobile I have hereunto set my hand and affixed the seal of said circuit court this tenth day of April in the year of our Lord one thousand eight hundred and forty.

[L. S.]

DAVID FILES,
Clerk C. C. So. Dist. Ala.